

Since Panorama – “The FCA’s
Dishonesty Double Down”
UPDATE – 24th January 2023

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 it’s
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) **gather evidence of a breach;** and*
- (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

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: [Signature]

City of London Police
Economic Crime Division

Date: 15 FEB 2017

Detective Chief Superintendent
David Clark

Authorised signatory for Financial Conduct Authority:

Name: MARIE STENNARD

Rank Position: Executive Director, Capital & Market Oversight

Signed: [Signature]

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.

2

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

FCA press release having taken action against non-regulated parties operating non-regulated investment scheme

“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’

The FCA has taken plenty of action in respect to non-regulated investments being run by non-regulated parties and firms

<https://www.moneymarketing.co.uk/news/fca-takes-action-unauthorised-investment-scheme/>

<https://www.theguardian.com/business/2019/oct/18/uk-finance-watchdog-sues-airport-car-park-scheme>

<https://citywire.com/funds-insider/news/fca-eyes-deal-over-230m-airport-parking-scheme-that-crash-landed/a1503112>

FCA is currently in Court suing solicitors that were involved.

Indeed, in 2018 the FCA itself brought and secured Fraud prosecutions against non-regulated/authorised parties and firms, marketing and selling non-regulated investments.

Details of this can be found here:

<https://www.fca.org.uk/news/press-releases/five-sentenced-fca-prosecution-28m-investment-fraud>

None of the individuals or companies that these individuals setup or worked for were 'authorised or regulated', and they sold non-regulated investment products.

Clearly the FCA did and does have the powers and authority to act and did. But catastrophically failed to failed to do sin respect to Blackmore Bond.

Indeed, Steward even says the following in that FCA press release:

Extract from FCA Press Release regarding the FCA fraud prosecutions:

“Commenting on the case, Mark Steward, Executive Director of Enforcement and Market Oversight at the FCA, said:

*“**These fraudsters callously targeted investors who were often elderly and vulnerable**, lying to them to get them to part with significant sums of money. Despite efforts to conceal and destroy evidence, the FCA, in one of its largest ever investigations, was able to ensure that these criminals faced justice and ended up behind bars.*

Applications under Proceeds of Crime legislation remain on foot and the FCA is determined to recover as much money from these defendants as possible for the benefit of investors.”

I think you will find that this is exactly what I reported to the FCA in March 2017.

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.

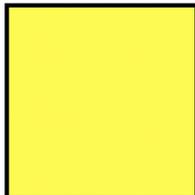
This is typical of legal word play we typically come across when dealing with lawyers representing large financial firms or banks. You do not expect it from a regulator.

And certainly not from a regulator whose former CEO, Current CEO and Current Chairmen have all 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.

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.

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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



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.

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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.



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,



[Redacted]

Detective Constable, Lead Force Operations Room

Economic Crime Directorate | City of London Police

p
e

[Redacted]

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>

ONE



Panorama

The Billion-Pound Savings Scandal

Each year, a billion pounds is lost in failed investment schemes. Panorama tells the story of one of them as its member challenge the regulators they believe failed them. [More ▾](#)

Open Letter - "FCA False & Misleading representations"

Updated: Jan 15

Dear Andy, and all copied Parliamentarians,

I have read the article featuring the interview with The FCA, Head of Enforcement, Mark Steward in the Sunday Times today.

<https://www.thetimes.co.uk/article/theres-no-such-thing-as-a-risk-free-investment-says-regulator-f56bpwpc6>

(Please note that the headline has been changed since it was published. It originally read "FCA: Don't blame us for lost millions, blame the Government")

I would like to be able to say that I am astonished by it. Sadly, I am not. It features a litany of false, misleading and entirely disingenous representations, consistent with that which I have come to expect from both Mr Steward personally, and the FCA generally.

Mr Rathi bemoaned to the Treasury Select Committee over a year ago, how labour and resource intensive 'after the event' investigations are. Indeed. However, if the FCA were to act upon reports, intelligence and evidence it receives and issued substantial sanctions and fines, then this becomes a deterrent, rather than simply a 'slap on the wrist' cost of doing business for those responsible, and will reduce the number of such investigations going forward.

Turning to the representations made by Mr Steward in the article and the representations and comments made by the FCA for inclusion in the Panorama broadcast.

1. In the first instance if any of my claims or allegations against the FCA and Mr Bailey in the Panorama programme were false, then Mr Bailey and the FCA has the rule of law on their side and could have demanded these claims and allegations were taken out. The FCA and Mr Bailey did not seek to do this, because UK law states that I have freedom of speech. I can say anything that I want, so long as it is true. Both Mr Bailey, Mr Steward and The FCA know everything I said is true.

1.1. And to be clear, I never make an allegation, claim, report or complaint unless a) I know that I am right, AND b) Have the evidence to prove what I say and allege is true.

1.2. Instead the FCA in the broadcast and Mr Steward in this interview have chosen to put forward different representations, in the hope that the public and Parliament believe them over the representations put forward by me, an individual that the FCA has time again sought to smear and discredit. (And yes, I have the evidence to prove this also)

Mr Steward in the Times interview, and The FCA in the Panorama programme represented that they had shared intelligence with City of London Police in 2017.

And they did so with intent to deny allegations that they had failed to act on my reports and intelligence of March 2017.....

This was rather false and/or misleading by way of 'omission' of some rather key detail.....

FCA OFFICIAL



12 Endeavour Square
London
E20 1JN

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

Harriett Baldwin MP
Chair of the Treasury Select Committee
House of Commons
London
SW1A 0AA

14 December 2022

Our Ref: C221201A

Ms McDonagh stated that she understood that the FCA had confirmed in writing that it had 'missed an opportunity to act' in relation to Blackmore Bonds. Any suggestion that the FCA took no action in relation to Blackmore would not be correct. As the City of London Police has confirmed in a re-issued response to a Freedom of Information Request, the FCA shared intelligence in relation to Blackmore Bond Plc with City of London Police as early as 2017, although regrettably human error meant that the full suite of information was not sent across. The City of London Police also shared intelligence with the FCA, but not until February 2020.

Mr Steward and the FCA failed to mention that rather material piece of information

Maybe the FCA, Mr Rathi and Mr Steward were not aware of the 'Human Error' failure to provide any of the Smoking Gun intelligence to the Police in 2017.....

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.

However, Mr Rathi's belated admissions as to the 'Human Error', and the FCA confirmation of the same to me a year earlier is still not a full and honest representation of the facts and events within the FCA following my March 2017 reports.....

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.

Mr Rathi also writes in his December 2022 letter to the Treasury Select Committee:

“There are also allegations that the FCA ignored intelligence relating to Aymya Ltd, Which was involved in introducing investors to Blackmore’s mini-bonds.... We do not Agree with the assertion that we ignored intelligence about Aymya received in 2017.”

Mr Rathi then proceeds to justify this by saying:

“In March 2019, the FCA took steps which led to the removal of Aymya’s website. Following this, Aymya’s Appointed representative status was terminated in September 2019.”

To be clear, Mr Rathi claims to the Treasury Select Committee were actions taken by the FCA in direct response to my intelligence provided in March 2017....

Whereas.....



Amyma Ltd

Reference number: 812731

This firm is no longer registered with the FCA as an Appointed Representative of an authorised firm, and can no longer carry on regulated activities.

Do not start to do regulated business with an AR that is no longer registered.

No longer registered as an Appointed Representative

Name	Firm reference number	AR Relationship	Effective from	Effective to
↓A	↓A	↓A	∨	∨
<u>Equity For Growth (Securities) Limited</u>	475953	Full	02 Jul 2018	02 Sep 2019

Amyma were not approved as an Appointed Representative by the FCA until July 2018!

The removal of this status in 2019 cannot therefore have been an FCA action taken as a result of the intelligence I reported in March 2017!

Mr Rathi knew this but still sought to falsely represent and mislead the TSC, HMT, public, Media and, most importantly, the vulnerable and non-sophisticated victims.

And furthermore, and I refer you here to representations made by The FCA in the Panorama programme and by Steward in his interview with the Sunday Times published immediately after the Panorama broadcast, where they said:

"the FCA will not be able to act if an investor had ticked a box saying that they were sophisticated."

FALSE REPRESENTATION. In 2016 The FCA prohibited any firms from accepting 'self certification' by 'tick box' by a consumer as to their 'sophistication'. The FCA from 2016 had demanded that all firms must undertake due diligence and take steps to establish and validate that each and every investor was sophisticated.

To be very clear therefore, Steward and The FCA is relying upon a tick box self certification as a reason that it could not act. A process that The FCA itself had prohibited and deemed entirely unacceptable six years ago!!!!

However, Mr Rathi makes the same false representation in his letter to the Treasury Select Committee in December, when he writes:

Blackmore Bond Plc (“Blackmore”) is an unregulated firm that was founded in 2016. Blackmore obtained working capital by issuing fixed term debt securities, sometimes known as ‘mini-bonds’, to certain retail investors for investment in housing development projects which were either owned and managed by wholly owned subsidiaries of Blackmore (special purpose vehicles (SPVs)) or in which wholly owned SPVs had a substantial interest. The loans or mini-bonds were marketed as only being suitable for restricted, high net worth, sophisticated or self-certified sophisticated investors as defined under the FCA’s Conduct of Business Rules.¹ Blackmore was not regulated by the FCA.

Like Mr Stewart he falsely represents that it is permitted for any firm to accept a box-ticking ‘self-certification’ as to their ‘sophistication’ in respect to their investment in a non-regulated investment product, when it was entirely prohibited by the FCA years earlier.

Please note that Mr Rathi refers to Blackmore Bond as an ‘investment’ and that those who ‘invested’ were ‘investors’, and not just any ‘investors’, but ‘retail investors’. The significance will become apparent later in this presentation.

There's no such thing as a risk-free investment, says regulator

Head of enforcement says the watchdog cannot protect consumers from 'the risky consequences of every investment decision'



The FCA has come under criticism after a BBC Panorama investigation into a property investment
CHRIS HELGREN/REUTERS

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Save 

The Financial Conduct Authority has hit back at critics who claim it failed to protect ordinary investors from putting their life savings into high-risk, unregulated products that failed.

In a rare interview, Mark Steward, the head of enforcement at the City watchdog, said its hands are tied because the government has not given it the power to prevent unregulated firms from marketing high-risk products to unsophisticated investors.

In my emails to The FCA in March 2017 I specifically wrote:

"They are pushing all manner of these bonds to pensioners citing them as "guaranteed by one of the world's largest banks".

Steward confirms there is no such thing as a risk-free investment, therefore knew this had to be a scam or fraud in March 2017 when I reported this 'risk-free' investment!

Having worked for many of the world's largest banks I can confirm that no bank, small or large, is EVER going to offer such a guarantee. The FCA and Mr Steward were also well aware of this. He and the FCA did not need the benefit of hindsight to appreciate this was fraud. It could not be true.

THEREFORE, it was, and remains, a false representation made with intent to make financial gain (the 20% commissions the firm would generate from the investment, and the further commission that Nunn & McCreesh would also take from the investment) and cause loss or risk of loss to others.

The very definition of Fraud within the Fraud Act 2006.

Or did Mr Steward believe that such representations being made to sell these products could be true? Clearly not, according to his representations given in that interview.

Again, if Steward or The FCA failed to share this report by me with the law enforcement agency in 2017, then of course no action was taken because The FCA concealed this evidence proving fraud!



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.

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

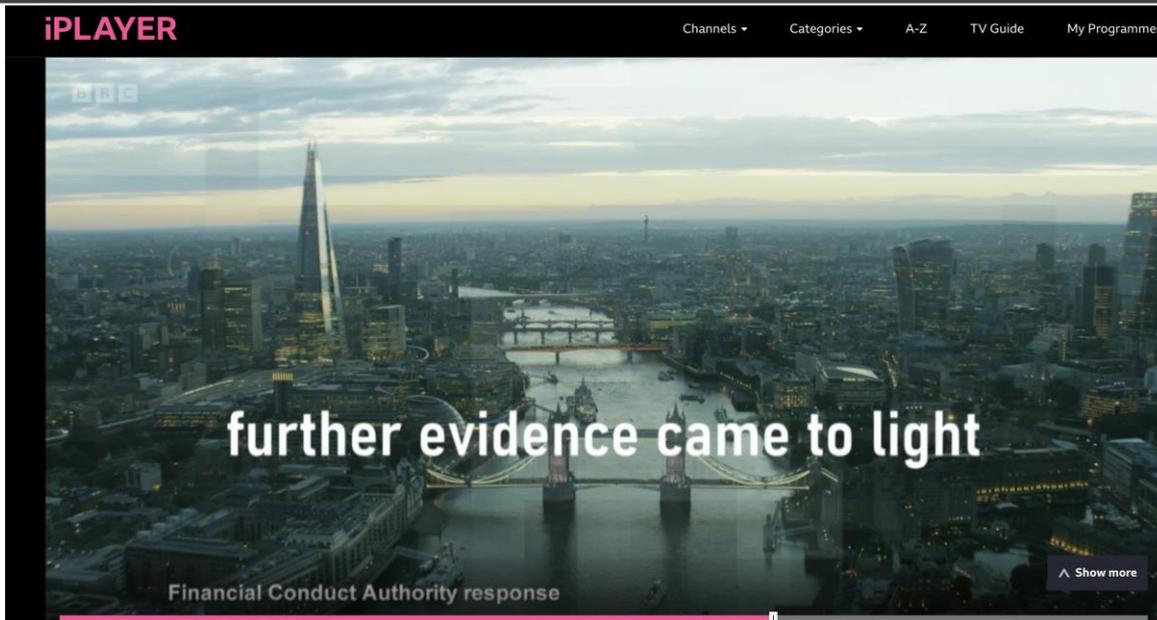
You allege the FCA ignored or failed to take adequate action following intelligence reports provided by you about the activities of Amyma between March 2017 and August 2018.

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).



In his letter to the TSC in December Mr Rathi wrote:

“Ms McDonagh stated that she understood that the FCA had confirmed in writing that it had ‘missed an opportunity to act] in relation to Blackmore Bonds.”

As well as using the false and/or misleading representations I have already exposed in this presentation to deny this, Mr Rathi repeats the claim made by the FCA in the Panorama broadcast so as to deny this, writing:

“As noted in the recent BBC Panorama programme, the FCA has explained that the discrepancy between the draft response to the complaint mentioned in the DSAR, and the final response, was due to new evidence coming to light”

Nonsense. What new evidence could have come to light after October 2020 when this FCA draft was produced, that could possibly reverse that conclusion that they missed an opportunity to act?

I remind you that when this conclusion was reached in October 2020 this FCA investigator had spent 13 months investigating my complaint, and it was two and a half years after Mark Steward first confirmed that the FCA was finally investigating my reports. What could they possibly discover after two and a half years that they did not already know when producing that 'missed opportunity' conclusion?

Furthermore, Mr Rathi's and the FCA's positions are further rendered questionable if not false, by the fact that the FCA investigator that spent 13 months investigating my complaint and who produced these conclusions, was then hauled off of the complaint and replaced by someone else, who would then go on to produce, more than a year later, entirely contradictory conclusions.

The FCA Annual Public Meeting (APM) 12th October 2022

You can find a video and transcript of the APM via this link

<https://www.fca.org.uk/events/annual-public-meeting-2022>

In the days following the FCA APM, I submitted the following FOIA (Freedom Of Information Act) requests to the FCA, each specific to a representation made by the FCA and Mr Steward at the APM.

Mr Rathi was present and made no attempt to challenge Mr Steward when he made these representations. It is therefore reasonable to presume that Mr Rathi approved of and agreed with everything that Mr Steward said.

From: Paul Carlier <paul@finscope87.com>

Subject: NEW Blackmore Bond FOI REQUEST 1 [of several]

Date: 13 October 2022 at 08:22:33 BST

To: Freedom of Information <foi@fca.org.uk>

Cc: CEO Actions <CEOActions@fca.org.uk>, treascom@parliament.uk, CEO Actions <CEOActions@fca.org.uk>, treascom@parliament.uk, Andy Agathangelou *[And members of the TSC individually]*

To the FCA data team,

(TSC and Transparency Taskforce copied)

Further to representations made by Mark Steward yesterday at the FCA APM in respect to 'Blackmore Bond' please find below the first of several FOI requests in respect to those Blackmore Bond representations.

BLACKMORE BOND FOI REQUEST 1 - Mr Steward sought to claim in the opening passage of his statement that Blackmore Bond was 'Unsecured Lending' and referred to the Blackmore Bond as a 'Proposition' and NOT an 'Investment'.

*MARK STEWARD 2022 FCA APM - RE: BLACKMORE BOND: "just a little bit of background blackmore bonds were offered to consumers with in in to raise money to develop properties and pay a return to those bondholders. **those bonds represented unsecured loans from consumers to a company** involved in property development. That's effectively what Blackmore was all about. Part of the **proposition to consumers...."***

This appears to be the 'pre-prepared' lines for such questions. HOWEVER, after sharing these 'pre- prepared' lines, Mr Steward later contradicted himself and confirmed that Blackmore Bond was an 'investment' and that consumers did 'invest' in Blackmore Bond, saying:

*"You had to be a qualifying consumer to be able to buy Blackmore bonds, largely that was because of the higher risks involved in, in, in dealing with **this kind of investments**"*

*".... I won't go into the technicalities about the qualifiers that that you had to have to **be invested in Blackmore bonds...**"*

*"2200 people have lost a lot of money. Around it up **47 million pounds was invested in blackmore...**"*

FURTHERMORE, in a damage limitation interview Mr Steward gave to the Sunday Times on August 20th following the BBC Panorama broadcast, in which he also blamed MP's for not giving the FCA sufficient powers via legislation [more on this in a separate FOI to follow], Mr Steward confirms that Blackmore Bond was sold to consumers as a 'Guaranteed Investment' and is cited as saying: "There's no such thing as a guaranteed investment".

Indeed, Mr Steward is quoted as saying:

"Steward said that while the FCA does everything in its powers to protect consumers and help them make informed decisions, there is "no absolute safety net" and that the regulator cannot "insulate, protect or immunise consumers from the natural, risky consequences of every investment decision".

Further confirming his understanding that this was an 'investment' and that consumers had 'invested', and that consumers had been marketed a 'risk free investment'.

The Sunday Times include another quote by Mr Steward:

"Steward said the FCA had no power to stop people investing in Blackmore"

I also refer you to the attached Facebook Advert. Mr Steward himself is VERY familiar with this particular advert because it was sent to him in March 2018 attached to a letter from [an FCA authorised] IFA. A letter in which Mr xxxxxxx makes several reports and warnings about Blackmore Bond to Mr Steward, echoing the very warnings I gave the FCA a year earlier in March 2017. [more on Mr xxxxxxx's letter in a separate FOI request to follow].

Facebook interface showing a sponsored post for Blackmore Bonds. The post includes a search bar, navigation icons, the Blackmore logo, a 'LIKE PAGE' button, and text describing the investment opportunity. A Trustpilot rating of 5 stars is displayed. The main image shows a smiling couple with a blue overlay that reads 'Earn 8.5% Income Certainty Capital Protected'. Below the image, the website 'BLACKMOREBONDS.CO.UK' and the product name '8.5% pa Bonds | Income Certainty' are listed, along with a 'LEARN MORE' button.

Search

Blackmore
Sponsored • ⚙️

LIKE PAGE

Knowing how and where to invest your savings doesn't have to be difficult.

Find out how you can make simple, fixed-rate returns with quarterly income of 8.5% into your bank account.

5 ★★★★★ Trustpilot rating ✓

Earn **8.5%** Income Certainty
Capital Protected

BLACKMOREBONDS.CO.UK
8.5% pa Bonds | Income Certainty

LEARN MORE

The Facebook advert is clearly marketing and promoting an 'Investment', and not just any 'investment', but a 'Guaranteed Investment', the like of which Mr Steward himself says cannot exist, and that therefore should have seen the FCA jump into action immediately when I reported Blackmore Bond being marketed as a 'Guaranteed Investment'.

Can the FCA please explain why Mr Steward yesterday sought to 're-classify' Blackmore Bond as 'Unsecured Lending' as opposed to an 'Investment', for the benefit of the public and media, and with an apparent intent to mislead the public, media and the victims, and create desired & 'pre-prepared' soundbites in respect to Blackmore Bond yesterday?

Can the FCA please explain why Mr Steward and with apparent approval of CEO Nikhil Rathi, who was present at the meeting and made no attempt to correct Mr Steward, would seek to make what is clearly a misleading representation to the public by way of this attempt to 're-classify' the Blackmore Bond as anything other than the 'investment' that it was sold to consumers as?

Regards

Paul Carlier



Series 4

Fixed Rate Secured IFISA Bonds 2018

Blackmore Bond plc
Information Memorandum





investor

Highlight

Rotate

Markup

Search

Found on 32 pages



Done



Series 4

Fixed Rate Secured IFISA Bonds 2018

Blackmore Bond plc
Information Memorandum





Series 4

Fixed Rate Secured IFISA Bonds 2018

Blackmore Bond plc
Information Memorandum



Investment highlights

An investment in the Bonds is a short to medium-term investment opportunity. Blackmore Bond focuses on projects of varying sizes in the UK housing market, offering Investors the opportunity to benefit from higher interest rate returns which in the past have been the preserve of institutions.

The Company is part of the Blackmore Group, a boutique investment house with a suite of products covering sectors from property, equities and private equity, with products including exchange-listed investments, bonds and funds. It now has more than £46 million of assets under management and £19 million assets under administration. The Blackmore Group has experience in managing investments and managing clients,

having raised tens of millions of pounds over the past few years from both the institutional and retail sectors.

Blackmore Bond has been established with the aim of delivering fixed interest bonds with the underlying assets being entirely property-focused.

Blackmore Bond has already successfully concluded three rounds of fundraising through the issue of its Series 1, 2 and 3 Bonds. These bonds remain open for investors seeking an alternative to an Innovative Finance ISA (“IFISA”). Blackmore now presents the Series 4 IFISA Bonds seeking to raise a further £4.4 million.



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Security Trustee

The Security Trustee, pursuant to a Security Trust Deed, will enter into, on behalf of all Bondholders of the Company, an omnibus guarantee and charge which will grant a fixed and floating charge over the Company's and the Subsidiary's assets. All properties will be charged by way of legal mortgage pursuant to the terms of the omnibus guarantee and charge. The security will be granted to the Security Trustee, and the Security Trustee will hold the security on trust and will enforce it, if necessary, for the benefit of Bondholders. In practice, in the event of the Company defaulting on repayments to investors, the Security Trustee will step in to take charge of the Company's assets, ensuring that all Bondholders' interests are protected and they are paid out in priority from other creditors using the Company's net assets. Please note that the Company has successfully issued £25,416,209 of Series 1, 2 and 3 Bonds and may issue future series of bonds with similar or different terms. All Bondholders from all series of bonds will benefit from the security and shall rank equally. Please also note that the number of properties which shall be charged by way of legal mortgage should increase proportionately with the number of Bonds issued, which in turn should help to diversify and spread the risk to each Bondholder.

IAG is a global, highly experienced, independent company operating in all of the world's major financial centres including London and Guernsey. It will operate purely in the interests of Bondholders, not the Company.

IAG delivers specialist fund administration services for private equity, real estate, alternative assets and listed fund structures. Each client is served by a highly skilled team led by a Board Director. Since IAG was founded in 2000 the team have administered over 400 funds and currently have over £12 billion assets under administration. International Administration Group (Guernsey) Limited (Registration No 36305) and IAG Private Equity Limited (Registration No 48245) are licensed by the Guernsey Financial Services Commission under The Protection of Investors (Bailiwick of Guernsey) Law, 1987, as amended, and The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2000.

The register of Bondholders together with updates on properties acquired is provided not less than monthly (under the terms of the security trust deed entered into between the Company and the Security Trustee) to the Security Trustee, but the register itself will be maintained by the Company.

Where a bank facility or debt finance has been obtained in relation to a project, the Company reserves the right under the omnibus guarantee and charge to grant that lender a first charge on that specific development and consequently the security of the Bondholders will rank behind any such charge given to a lender. This will not affect your rights under the Capital Protection Scheme.

Security & Capital Protection Scheme

If the Company were to fail, the value of the Company's assets may not be enough to provide Bondholders with a full return of their capital and the Bondholders would rank behind any lender.

To seek to protect Bondholders in such circumstances, the Directors have put in place protection for Bondholders such that in the case of any shortfall or default in repaying Bondholders at the time redemption is due, the Capital Protection Scheme will step in and ensure that investors are repaid (in the absence of any fraud on the part of the Company's Directors, and subject to the Directors complying with certain strategic limits on investment which serve to further diversify and de-risk the Company's investment portfolio) any shortfall in the amount they recover from the Company (in the event of its insolvency) for the full amount of their capital invested. This Capital Protection Scheme is provided by NLS.

In practice, therefore, in the event of an insolvent administration or insolvent liquidation the following process would be followed (which would be overseen and managed on behalf of Bondholders by the Security Trustee):

1. payment of the fees and costs of any administrator or fees incurred by the Security Trustee;
2. any outstanding third-party bank (or other institutional or commercial) secured loans would be repaid;
3. the Security Trustee would then manage any remaining assets of the Company (if, indeed, there are any) and pay these out in the appropriate proportions to Bondholders; and
4. if there is a shortfall to Bondholders, the Capital Protection Scheme would meet the shortfall to repay Bondholders' capital in full.

The Capital Protection Scheme is arranged by All Seasons Underwriting Insurance Brokers Limited (ASUIA), a Lloyd's of London broker regulated by the Insurance Companies Control Service, (number: E.O.S. 23 – 3204) and also to a limited extent in relation to its UK operations by the UK Financial Conduct Authority (FCA). The policy itself is underwritten by NLS. NLS has a Group balance sheet with assets in excess of \$115,000,000 (as at December 2016). NLS has been an approved insurer for a number of prestigious clients including, the US Corp of Engineers, South African Shipyards and the US government agency USAID.

Mr Rathi, Mr Steward and the FCA are now and retrospectively seek to re-classify Blackmore Bond as;

A loan by consumers to Blackmore Bond and NOT an Investment.

And which they are seeking to do now for the first time, more than five years after my first reports and more than two years since the collapse. It appears to be the latest false narrative engineered by the FCA so as to position Blackmore Bond beyond their perimeter, authority and powers and to conceal their catastrophic failures and prior dishonesty.

TO BE VERY CLEAR:

It does not matter what the FCA reclassifies them as now. All that matters is what these retail investors were told they were in the marketing material upon which their decision to invest was based.

They were clearly marketed as an INVESTMENT!!!!!!

The FCA has 'form' for this type of 'retrospective re-classification' and to the detriment of victims. They are currently being sued by the APPG Business Banking for doing the same to victims of IRHP fraud by banks.

From: Paul Carlier <paul@finscope87.com>
Subject: NEW Blackmore Bond FOI REQUEST 2 [of several]
Date: 13 October 2022 at 08:55:01 BST
To: Freedom of Information <foi@fca.org.uk>
Cc: CEO Actions <CEOActions@fca.org.uk>, treascom@parliament.uk, Andy Agathangelou *[And members of the TSC individually]*

To the FCA data team,
(TSC and Transparency Taskforce copied)

Further to representations made by Mark Steward yesterday at the FCA APM in respect to 'Blackmore Bond' please find below the first of several FOI requests in respect to those Blackmore Bond representations.

BLACKMORE BOND FOI REQUEST 2 - I refer you to my earlier BLACKMORE BOND FOI REQUEST 1 and the following within it:

"FURTHERMORE, in a damage limitation interview Mr Steward gave to the Sunday Times on August 20th following the BBC Panorama broadcast, in which he also blamed MP's for not giving the FCA sufficient powers via legislation [more on this in a separate FOI to follow], Mr Steward confirms that Blackmore Bond was sold to consumers as a 'Guaranteed Investment' and is cited as saying: *"There's no such thing as a guaranteed investment"*.

Indeed, Mr Steward is quoted as saying:

*"Steward said that while the FCA does everything in its powers to protect consumers and help them make informed decisions, there is "no absolute safety net" and that the regulator cannot "insulate, protect or immunise consumers from the natural, risky consequences of every investment decision". Further confirming his understanding that this was an 'investment' and that consumers had 'invested', and that consumers had been marketed a 'risk free **investment**'. "*

Having made these statements to the Sunday Times, quite correctly, because there can be no such thing as a 'Guaranteed Investment', yesterday Mr Steward sought to refer to and rely upon the following representations made to the public, media and victims and the FCA APM:

MARK STEWARD 2022 FCA APM - RE: BLACKMORE BOND:

"Part of the proposition to consumers was involved something called a capital protection scheme. So this is the the insurance aspect of that in question raises. the capital protection scheme offered amounts of up to 75,000 pounds for losses arising from the investment. The insurer is a legitimate insurer. We understand that claims have been made on behalf of blackmore bonds against that insurance policy. And at the moment, the insurer has not accepted those claims. There is clearly more to follow in that process, and it will be appropriate for us to comment on where that might lead to and what might happen. But the insurance component was important part of what the Blackmore bond Proposition offered to consumers. So the between the liquidator in the insurer, there is there is more to more to play out. But there was nothing untoward about the insurance policy itself.

In addition to the insurer, the way in which the legislation operates Blackmore bonds, unregulated firm able to issue mini bonds without being regulated by the FCA. That's, that's outside our perimeter."

FOI ELEMENT A - Can the FCA explain why Mr Steward is now referring to and relying upon representations as to this Capital Guarantee Scheme 'Investment Insurance Product' that was used to dupe consumers into believing that this was a 'Risk Free Investment' and appeared to make this a 'Risk Free Investment', having earlier told the Sunday Times that there can be no such thing as a 'Risk Free Investment'?

FOI ELEMENT B - Can the FCA explain why such 'Investment Insurance Products' that seek to 'Guarantee Investments' and make them 'risk free' have not been prohibited by The FCA given that a) there can be no such things as Investment Insurance, b) They are used to create the illusion of 'risk free' investments and c) I now have evidence of numerous such 'Investment Insurance' products all having refused to payout for one reason or another, and that it is quite clearly an issue the FCA is aware of?

FOI ELEMENT C - Dame Gloster referred to the use of 'halos' to dupe investors in her findings in respect to LC&F. In that instance LC&F were using an FCA authorisation for other purposes to create the halo. In this, and numerous other cases it seems from the evidence I now have, the fraudsters [and yes, they were fraudsters despite the disturbing claims to the contrary] used these 'Investment Insurance Products' to create the halo that duped consumers. Can you explain why the FCA has repeatedly it seems failed to identify or recognise the use of these 'Investment Insurance Products' for the Halo they were?

I look forward to your response.

Paul Carlier

From: Paul Carlier <paul@finscope87.com>

Subject: NEW Blackmore Bond FOI REQUEST 3 [of several]

Date: 13 October 2022 at 11:19:16 BST

To: Freedom of Information <foi@fca.org.uk>

Cc: CEO Actions <CEOActions@fca.org.uk>, treascom@parliament.uk, Andy Agathangelou *[And members of the TSC individually]*

To the FCA data team,

(TSC and Transparency Taskforce copied)

Further to representations made by Mark Steward yesterday at the FCA APM in respect to 'Blackmore Bond' please find below the first of several FOI requests in respect to those Blackmore Bond representations.

BLACKMORE BOND FOI REQUEST 3 - I refer you to my earlier BLACKMORE BOND FOI REQUEST 2 and the following statement by Mr Steward featured in it:

MARK STEWARD 2022 FCA APM - RE: BLACKMORE BOND:

*"Part of the proposition to consumers was involved something called a capital protection scheme. So this is the the insurance aspect of that in question raises. the capital protection scheme offered amounts of up to 75,000 pounds for losses arising from the investment. **The insurer is a legitimate insurer.** We understand that claims have been made on behalf of blackmore bonds against that insurance policy...."*

Mr Steward made the statement "The Insurer is a legitimate insurer". The evidence that I have rather demonstrates that this is not the case, and the evidence also suggests that The FCA are well aware of this.

One of the two Costa Rican based insurers that provided the Investment Insurance Product [called a 'Capital Guarantee Scheme] is ION Insurance.

TO BE CLEAR, Mr Steward refers to them as 'A legitimate Insurer'.

WHEREAS, I refer the FCA and the Treasury Select Committee to the attached document 'Dubious Reinsurers', within which there is substantial evidence to the contrary. This was presented to me by an insurance professional and the entirety of its contents are disturbing to say the least, but also further disturbing in the sense that the FCA MUST be aware of all that is within these pages, and it even references actions taken by the FSA, so far back does this nonsense go.

Indeed, of the many disturbing references within this document I refer you to the content specific to Mr Robert Harrison.

1. On page 10 of ION's Annual Report you will see that it confirms ION's Director of Underwriting is Robert Harrison.

2. Robert Harrison was the former owner of an Insurance firm by the name of 'Northern & Western Insurance Company'. I refer you to this article from the Mirror dated 23rd May 2019
<https://www.mirror.co.uk/news/uk-news/huge-damage-done-reputation-lawyers-16183000>

2.1. I also refer you to this article in the Guardian dated 11th March 2018
<https://www.theguardian.com/cities/2018/mar/11/collapsed-uk-property-schemes-foreign-investors-george-osborne>

3. As you can see the article features the collapses of many other UK Property Investments [scams], including the collapse of Key Homes Group in 2014.

4. Investors in 'Key Homes Group Limited' were also duped by claims that there was an 'Investment Insurance Product' in place to guarantee their investments. See the Mirror article for more details, but I include the insurance specific points here:

*"Investors in a property scheme thought they were in safe hands because they were being advised by a law firm and protected by an insurance policy[...] But 882 people were stung for almost £53million when Key Homes Group collapsed. [...] **An insurance company that supposedly protected deposits also collapsed and failed to honour the policies. Called Northern & Western Insurance Company, it should have set off more alarm bells. It was run from Texas by Robert Harrison and his wife Devon Harrison. Mr Harrison had been banned from the insurance business in the state for "fraudulent and dishonest practices". He had "wholly misappropriated" premiums paid by customers, leaving them without cover. It was not regulated by the then Financial Services Authority.**"*

5. Mr Harrison has not only been banned from the insurance business in the U.S. for '*fraudulent and dishonest practises*' and having "*wholly misappropriated premiums*", you can see the litany of other cases in which he has been involved and the multitude of judgements against him.

6. Indeed, in the UK Key Homes Group scheme, he and his firm were accepting premiums for £53million in Investment Insurance, but at no time had more than £78,000 in capital.

7. HOWEVER, the 2015 collapse of his Northern & Western Insurance Company, and the findings against him in respect to it was not Robert Harrison's first foray into Insurance wrongdoing, as this Blog article exposes

<https://insurancesecurityservicesblog.wordpress.com/2015/09/28/a-company-that-fooled-the-market/>

"In fact Robert Harrison had lost his licence years back, when the Insurance Department in 2002 determined that:-

During the course and scope of operating an insurance business, Robert S Harrison collected and received substantial sums of money (insurance premiums) from insurance customers and thereafter failed to secure the contracted for coverage; failed to forward them to the proper insurance carrier, and wholly misappropriated and converted the sums to his own use."

8. However, ION do not only employ Mr Harrison in a senior role, they also employ one David William King. ION's website includes this bio for him:

<http://www.ion.co.cr/team-details/david-king>

"Responsible for administration duties and compliance issues. David has over forty five years insurance and reinsurance experience in the London and International markets, with a special emphasis on office administration. During his years in the industry he has managed offices for a number of Lloyd's Broking houses and spent time on a Lloyd's syndicate to gain experience of Underwriting management. David is also currently a consultant with Pacindat Consultants Ltd, a Cyprus Company that works closely with ION on a consultancy basis."

8.1. This is the same David William King who is the subject of this FSA Final Notice dated 4th June 2007!
https://www.fca.org.uk/publication/final-notice/david_king.pdf

A damning notice in its entirety but that particularly includes the following:

5. *By contrast policyholders who were issued with policies which were effected or purported to have been effected with CIC Costa Rica or CIC Greece were exposed to the very serious risk that legitimate claims under such policies would not be met either because there was no cover in place at all (as was the case as regards CIC Greece) or because the insurer did not have liquid assets with which to pay claims (as was the case as regards CIC Costa Rica).*

1.8 Mr King's conduct poses a serious risk to consumers and to the financial system in general. His conduct was below the standards of competence and capability and honesty, integrity and reputation required of a participant in the insurance industry.

1.13 Mr King's reputation is below the level required of a participant in the insurance industry. He has failed to meet the standards of competence and capability and honesty, integrity and reputation required of a participant.

1.14 In the circumstances Mr King is not a fit and proper person to

(a) carry out any controlled function involving the exercise of significant influence (as defined in the FSA's Supervision Handbook at 10.5.1G) over any person; and

(b) perform any function involving the exercise of management authority over any person including, but not limited to, being a controller (as defined in section 422 of the Act) in relation to any regulated activity carried out by any authorised person, exempt person or exempt professional firm. Accordingly, the FSA proposes to make a prohibition order against Mr King in those terms.

8.2. None of that features in Mr King's bio on the ION website.

FOI ELEMENT A - Mr Steward's representations yesterday to the public and media, and intended for the Blackmore Bond victims also, seeks to establish ION as a 'Legitimate Insurer'. Yet the evidence I have, some of which is attached and included within the body of this email, demonstrates that Mr Steward and the FCA must know this to be untrue, or to certainly stretch credibility beyond that which is reasonable. Please explain why Mr Steward and the FCA would make such knowingly misleading representations to the public, media and Blackmore Bond victims yesterday?

FOI ELEMENT B - Mr Steward and The FCA, like me, have seen the various Investment Insurance product documents. They include two key exemptions:

- a) The insurance will not payout if there is evidence of fraud by Directors and
- b) The insurance will not payout if the investment portfolio is not properly diversified

This essentially covers the majority of reasons why such 'Investments' fail, and so was highly unlikely to payout under any circumstances.

Indeed, Blackmore Bond falls foul of not one but both of those.

Since the broadcast of the Panorama programme, I have been inundated with contacts from other investment scam victims where 'Investment Insurance' such as this was used to dupe investors, none of which paid out.

Can the FCA explain why it is going to extraordinary lengths to give this insurance company and its product credibility and legitimacy, when it knows this is not the case?

FOI ELEMENT C - I have included representations made by Mr Steward yesterday, but what he failed to say is as disturbing as what he did say. Mr Steward failed to mention that these Investment Insurance products were sold via UK based and FCA Regulated Insurance Brokers. Why? Was this with intent to further the false narratives that the FCA has been peddling since the collapse of Blackmore Bond, to the effect that everything pursuant to is was beyond The FCA perimeter, authority and powers?

For the record, the sale of this bogus 'Investment Insurance' from Costa Rican insurers that was never going to payout, was brokered by UK based and FCA Regulated Insurance brokers. An insurance expert advises me that such FCA regulated insurance brokers have a responsibility to ensure that the insurance product being brokered and sold is 'appropriate'.

It is clearly established that:

- a) The Investment Insurance Product could not be, or was not, sourced from an insurer located in the EU or UK, that would have made any claim against it far easier and within the jurisdiction of English law and English courts as opposed to the current scenario where Costa Rican Courts have jurisdiction, and are clearly less likely to uphold any action.
- b) The wording of the document and the exemptions within it mean that it was highly likely, or inevitably, never to payout under any circumstances, or certainly the most likely of circumstances and reasons for which such an Investment would have failed and resulted in losses.

It is unequivocal therefore that this was not an 'appropriate' product sold by these FCA Regulated Insurance brokers, and for which I understand they were paid substantial commissions.

Can the FCA explain why they have failed to act against these FCA regulated insurance brokers and sought compensation for victims from the indemnity or public liability insurance of these FCA regulated brokers, and why it has sought to conceal all mention of their involvement and apparently failed to take any enforcement action?

FOI ELEMENT D - I refer you again to the Sunday Times interview with Mark Steward by Ali Hussain, whereby Mr Steward was emphatic in his position that there 'Is no such thing as a risk free investment' and ask you to explain why yesterday the same Mr Steward on behalf of the FCA and with apparent full approval of Mr Rathi, who was present and made no effort to correct or challenge Mr Steward, sought to give credibility to this investment company and their investment product insurance, essentially arguing that Blackmore Bond was a 'Risk Free Investment'?

I look forward to your response and refer you to statements made yesterday as to responses to FOIA's no longer being subject to delays.

Regards

Paul Carlier

ATTACHMENTS TO THIS FOIA: The Dubious Reinsurers document revealing the senior roles in the Costa Rican insurer, ION, of Robert Harrison and David William King (Banned by the FSA in 2007 for numerous counts of insurance wrongdoing and deemed not fit and proper among other things.

☆ Paul Carlier 

13 October 2022 at 11:19



NEW Blackmore Bond FOI REQUEST 3 [of several]

[Details](#)

To: Freedom of Information, Cc: CEO Actions [& 5 more](#)



To the FCA data team,
(TSC and Transparency Taskforce copied)
Further to representations made by Mark Steward to 'Blackmore Bond' please find below the files for those Blackmore Bond representations.

Save All (381 KB)...

 Dubious reinsurers PC copy.pdf

Quick Look

BLACKMORE BOND FOI REQUEST 3 - I refer you to my earlier BLACKMORE BOND

From: Paul Carlier <paul@finscope87.com>

Subject: NEW Blackmore Bond FOI REQUEST 4 [of several]

Date: 14 October 2022 at 09:06:44 BST

To: Freedom of Information <foi@fca.org.uk>

Cc: CEO Actions <CEOActions@fca.org.uk>, treascom@parliament.uk, Andy Agathangelou [*And members of the TSC individually*]

To the FCA data team,

(TSC and Transparency Taskforce copied)

Further to representations made by Mark Steward yesterday at the FCA APM in respect to 'Blackmore Bond' please find below the first of several FOI requests in respect to those Blackmore Bond representations.

BLACKMORE BOND FOI REQUEST 4 - During The FCA APM Mark Steward made the following statement:

*"Around it up 47 million pounds was invested in blackmore of that 2200 people **we received about 36 complaints. I think it is 36 complaints, not not a high high amount,**"*

This statement by Mr Steward is both disturbing and upsetting to those victims of Blackmore Bond. It is quite extraordinary that Mr Steward would seek to use what he refers to as a low number of complaints to downplay the significance, the impact on victims and their level of care about what happened.

However, what's most disturbing about this is that when Mr Steward said this, he was well aware of the following:

1. Since the collapse of Blackmore Bond the FCA has falsely [I will establish the facts to prove this in a subsequent FOI Request to follow] claimed that everything pursuant to Blackmore Bond was "beyond The FCA perimeter, authority and powers". Below are a tiny fraction of the FCA representations to this effect that they have made to the media, public and even MP's:

Telegraph 28/04/2020 (Immediately after Blackmore Bond collapsed)

"Neither Blackmore Bond PLC nor the minibonds they sold are regulated by the FCA."

Parliamentary record 01/07/2021

Conservative MP Peter Gibson, Chair of the APPG on Personal Banking and Fairer Financial Service (PBFFS), called in March 2021 for an independent report into what went wrong at BB. Later in March, Andy Agathangelou, founder of campaign group Transparency Task Force (the secretariat of the PBFFS APPG) [wrote](#) to the Prime Minister urging him to take action to deal with the regulatory failures exposed by BB's collapse.

Mr Gibson said that events at BB provided "irrefutable evidence" that the FCA was failing to regulate effectively and is "not functioning as parliament wishes".

FCA response

The FCA has defended its conduct relating to BB, saying that as both BB and the mini-bonds were unregulated, it did not have the power to intervene. It said that granting it such powers would require amendments to legislation and is therefore a matter for Parliament.

FT Adviser 08/03/2021

"the FCA retorted that neither the product or the provider were regulated, therefore sat outside its remit"

1.1. Indeed, the FCA has even made the same representations to John Glen MP, who has then repeatedly regurgitated them in the House and in response to MP's.

1.2. Since the Panorama broadcast a very well positioned source has confirmed that HM Treasury circulated a 'briefing note' to MP's that, initially, regurgitated the same false representations to the effect that everything was beyond the FCA perimeter, authority and powers.

NOTE: The 'briefing' note [from the FCA to HMT] has since been amended to reflect the more accurate truth, and that is consistent with significant 'backtracking' made by Mr Steward elsewhere in his Blackmore Bond comments at the APM and that I will cover in a subsequent FOI Request.

FOI ELEMENT A) - Can the FCA provide information as to why Mr Steward sought to use the low number of complaints to imply a lack of significance, a lack of impact on victims and a dis-interest by victims, when the FCA has essentially told the world, the media and each of their MP's that it was nothing to do with the FCA so don't bother complaint to us?

2. FURTHERMORE, I refer you to the attached document. This is the FCA response to complaints made by Blackmore Bond victims Ms G and Ms B. They made their complaints on 29th January 2021 and 25th February 2021 respectively. To be clear, I have multiple further copies of identical FCA responses to other victims.

2.1. You will see that the FCA took months to respond to these complaints both of which are specific to the FCA's failure to act on significant intelligence received by The FCA in March 2017 [from me] and by others.

2.2. Both of these responses, and all such responses received by ALL victims that did complain, seeks to defer even the opening of an investigation into these complaints and on an open ended basis. EVERY victim that has complained then receives periodic letters from the FCA confirming the continued and open ended deferral of even the opening of an investigation.

3. These complaint responses have been shared widely with hundreds of other Blackmore Bond victims in the various social media support groups.

FOI ELEMENT B) - Can the FCA provide information as to why Mr Steward sought to use the low number of complaints to imply a lack of significance, a lack of impact on victims and a dis-interest by victims, when the FCA has made it clear that any investigation to any Blackmore Bond complaint will be deferred indefinitely and there is therefore no point in you complaining?

And please do not dare claim that the FCA has no awareness of the 'connectivity' of victims and their sharing of information with each other. It is clear that the FCA is monitoring these groups and activities.

FOI ELEMENT C) - Notwithstanding that the FCA has significantly backtracked from the false and misleading representations as to everything being beyond their perimeter, authority and powers that it has been making since the collapse of Blackmore Bond, can the FCA explain why it continued with those false and misleading representations for so long whilst at the same time seeking in complaint responses to investors to defer the opening of any investigation on the basis below?:

"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.

I appreciate that this will be very disappointing for you."

Why was The FCA saying on the one hand that everything about Blackmore Bond was beyond its perimeter, authority and powers, and therefore no possibility of any FCA regulatory action now or previously, whilst at the same time telling victims that they were deferring the opening of any investigation of their complaint due to 'ongoing regulatory action by the FCA'?

Regards

Paul Carlier

Attachments to this FOIA: Two FCA responses to complaints made by BB Investors and that sought to defer any investigation on an 'open ended' basis.

☆ Paul Carlier 14 October 2022 at 09:06 PC

NEW Blackmore Bond FOI REQUEST 4 [of several] Details

To: Freedom of Information, Cc: CEO Actions & 5 more

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- 207210721 Blackmore - Stage 1 Deferral Letter - LB.pdf
- 207203486 Blackmore - Stage 1 Deferral Letter - SG.pdf

From: Paul Carlier <paul@finscope87.com>

Subject: NEW Blackmore Bond FOI REQUEST 5 [of several]

Date: 16 October 2022 at 14:24:54 BST

To: Freedom of Information <foi@fca.org.uk>

Cc: CEO Actions <CEOActions@fca.org.uk>, treascom@parliament.uk, Andy Agathangelou [*And members of the TSC individually*]

To the FCA data team,

(TSC and Transparency Taskforce copied)

Further to representations made by Mark Steward yesterday at the FCA APM in respect to 'Blackmore Bond' please find below the next of several FOI requests in respect to those Blackmore Bond representations.

And to be clear, and given the dishonest FOIA responses from the FCA recently, I am publishing this entire FOI request as a Blog article, so that everyone can see exactly what information has been requested of you, and each response will be published.

I should remind you that the FCA should be able to answer each and every request below very quickly, given that all are specific to emphatic representations made by Mr Steward this week, none of which he would be in a position to make unless he and The FCA had all of the information requested.

BLACKMORE BOND FOI REQUEST 5 - During The FCA APM Mark Steward made the following statement:

MARK STEWARD 2022 FCA APM - RE: BLACKMORE BOND: "...the marketing and promotion of those bonds could only happen through the agency of FCA authorised firms who approved those financial promotions that were issued by Blackmore bonds. So, our attention if you like, has been firmly focused on the way in which those financial promotions really operated.

*Did the FCA authorised firms that were two of them were involved in those promotions? Did they undertake proper due diligence? Did they check out what was being offered? Did they make sure that what was being provided to consumers--**The information that's been provided to consumers in those promotions did they make sure that information was accurate, was clear, not not misleading and didn't contain any material omissions and also properly advised consumers about all the risks that we're involved in those promotions. now at this stage Our work in relation to this is is virtually complete, but at this stage, it does look as though those financial promotions were largely accurate in what they set out and contained Very relevant risk warnings for consumers.***

1. Mr Steward is emphatic when claiming that the promotional material approved by the FCA regulated firms was accurate, was clear, not misleading.... was appropriate and contained 'VERY' relevant risk warnings for consumers.

2. HOWEVER, I refer you to the attached document 'Blackmore [Bond] Series 4. This is one of the promotional documents to which Mr Steward refers. Any review of this document cannot produce the findings that Mr Steward presented to the APM and the public this week, referred to above.

3. On the opening pages of the document we find the following:

Before you subscribe for the Blackmore Bond you should make sure that you fully understand the risks that are set out in this Document in Part II and you should determine whether the investment is suitable for you on the basis of all the information contained herein. Please be aware that in the event that the Company becomes insolvent, you may lose some or all of your investment.

*Prospective **Investors** should consider carefully whether an investment in the Bonds is suitable for them in light of their personal circumstances. Investment in a bond offering of this nature, being an illiquid investment, is speculative, involving a degree of risk.*

3.1. Firstly, I refer you to the numerous references confirming this as an 'Investment', contrary to Mr Steward's representations this week that these consumers provided an 'Unsecured Loan' to Blackmore Bond and NOT an Investment. I refer you to my previous FOI request on that issue.

FOIA ELEMENT A) 'Guaranteed Investment'

3.2. Indeed, there are risk warnings here and elsewhere within the document.

HOWEVER, these are essentially 'overridden' by the frequent representations made within the document as to the investment being secured against assets and also guaranteed by insurance. Particularly, but not exclusively the following content:

PAGE 9 - [When referring to the 'GUARANTEED' annual interest of 6.5% in the 3 year bond, and 8.5% in the 5 year bond]

*"Insured by a Capital Protection Scheme **"*

PAGE 12 -

"How secure is Blackmore Bond Plc?"

Multi-layered security reduces risk.

Capital protection is enhanced by a robust security scheme."

PAGE 13 - THE WHOLE OF THIS PAGE:

How do we do this? [Protect or guarantee the Capital]

- 1. Investors are granted legal charge (which is held by the Security Trustee on Bondholders' behalf) over all land and property assets owned by Blackmore Bond and any Subsidiary. In some cases, this will be a first charge and where there is lending it may rank behind the lending bank.*
- 2. This charge would be enforced by the Security Trustee, International Administration Group (IAG), an independent specialist appointed to protect investor interests. Since IAG was founded in 2000, it has administered over 400 funds and currently has over £12 billion in assets under administration.*
- 3. In addition, the Company takes a "belt and braces approach", whereby if the land and property assets are not sufficient to repay investor capital in full, investors have a Capital Protection Scheme in place which works like an insurance policy. In the event of the Company's insolvency, the policy will repay each investor up to the total amount of their investment. The policy is administered by Northernlight Surety Company, SRL (NLS). Established in 2004, NLS has balance sheet assets in excess of \$115 million.*

To be clear here, this statement states it 'will' repay each investor up to the total of their investment. It does not say 'might' or 'should'. It is definitive and emphatic.

PAGE 14 - In respect to 'Security'.

Security

The Bonds will be secured by a debenture over the assets of the Company and any Subsidiary, to be overseen by the Security Trustee. The security documentation (called the Omnibus Charge and Guarantee) includes the ability for the Company to raise further funds (in circumstances where the Directors consider it sensible, prudent and appropriate to do so to seek to maximise the deployment of investors' capital) from banks. Where bank funding is in place, Bondholders' security will rank behind that of the bank (i.e. the bank must be repaid before Bondholders). If the Company were to fail, the value of the Company's assets may not be enough to provide Bondholders with a full return of their capital. A full description of the risks can be found in Part II of this Document.

To seek to protect Bondholders in such circumstances, the Directors have put in place security protection. In the case of any shortfall or default in repaying Bondholders at the time redemption is due, a Capital Protection Scheme is in place to seek to ensure that all Bondholders are (in the absence of any fraud of the Directors) repaid any shortfall in the amount they recover from the Company (in the event of its liquidation or insolvent administration) up to the full amount of the original capital invested. This Capital Protection Scheme is provided by Northernlight Surety Company, SRL.

Page 16 and into Page 17

"The full investment value of the Bonds will be secured against the underlying assets of the Company by way of an Omnibus Guarantee and Charge against the Company and any Subsidiary, and a Capital Protection Scheme is in place to protect each Bondholder's investment."

PAGE 24

"The Company has decided to increase its commitment to the safeguarding of Investors' interests (as well as broadening the marketability of the Bonds) by having the Bonds secured against the Company's underlying assets (by way of an omnibus guarantee and charge)"

PAGE 30 - The entire page is devoted to the headings 'Security Trustee' and 'Security & Capital Protection Scheme'. However, some of the highlights in terms of guaranteeing risk etc. are as follows:

"The Security Trustee, pursuant to a Security Trust Deed, will enter into, on behalf of all Bondholders of the Company, an omnibus guarantee and charge which will grant a fixed and floating charge over the Company's and the Subsidiary's assets. All properties will be charged by way of legal mortgage pursuant to the terms of the omnibus guarantee and charge. The security will be granted to the Security Trustee, and the Security Trustee will hold the security on trust and will enforce it, if necessary, for the benefit of Bondholders. In practice, in the event of the Company defaulting on repayments to investors, the Security Trustee will step in to take charge of the Company's assets, ensuring that all Bondholders' interests are protected and they are paid out in priority from other creditors using the Company's net assets."

NOTE: Note only representations as to investors money being guaranteed, but this is actually contradictory to other representations in the document [and even later on the same page] and small print where lenders interests are said to be ahead of investors.

"To seek to protect Bondholders in such circumstances, the Directors have put in place protection for Bondholders such that in the case of any shortfall or default in repaying Bondholders at the time redemption is due, the Capital Protection Scheme will step in and ensure that investors are repaid (in the absence of any fraud on the part of the Company's Directors, and subject to the Directors complying with certain strategic limits on investment which serve to further diversify and de-risk the Company's investment portfolio) any shortfall in the amount they recover from the Company (in the event of its insolvency) for the full amount of their capital invested."

"4. if there is a shortfall to Bondholders, the Capital Protection Scheme would meet the shortfall to repay Bondholders' capital in full."

PAGE 32 -

"5. There is a Capital Protection Scheme in place to protect your investment funds."

PAGE 34 - Under the Heading of 'FAQ's'

First FAQ....

"How secure is the investment?"

We have a multi-layered security scheme in place for our Investors' protection. We aim to protect your capital in the following ways:

- 1. Investors have a legal charge over the assets of Blackmore Bond. In the event of business insolvency the sale of these assets goes towards paying back our Bondholders' capital. Please note that where there is bank borrowing, the Bondholders will rank second in order of priority over the charge.*
- 2. Should the sale of these assets not be enough to pay our Investors back in full then our Capital Protection Scheme, which acts like an insurance policy, comes into play and covers Investors for any shortfall there may be, to repay their capital in full.*
- 3. An independent Security Trustee - International Administration Group - will monitor and control the security, acting solely in the interests of Bondholders and not for the Company."*

Directly beneath that they include this line:

"Please note that as with any investment your capital is at risk."

It is wholly reasonable by the time a prospective investor has got to this part of the document, such are the overwhelming and repeated assurances and guarantees, to believe that the 'risks' being referred to are risks that exist only BEFORE the Capital Protection or Capital Guarantee kicks in or being triggered.

I.E. The risks being referred to are the risks that the Capital Protection or Capital Guarantee are in place to entirely offset. 110

INDEED, when we come to the pages devoted to 'Risk Factors' and it extends to four pages, 36-39, and that includes all manner of risks, AFTER it has listed these risks it then includes the following:

*"The Bonds will be secured by an omnibus guarantee and charge over the assets of the Company and its Subsidiaries to be overseen by the Security Trustee. The security documentation includes the ability for the Company to raise further funds (in the situation that the Directors feel it sensible, prudent and appropriate to do so) from banks. In such a situation, Bondholders' security will then rank behind that of the bank (i.e. the lending bank must be repaid before Bondholders), including in the event that the Company were to fail. If the Company were to fail, the value of the Company's assets may not be enough to provide Bondholders with a full return of their capital or any overdue interest on their investment. **To seek to protect Bondholders in such circumstances, the Directors have put in place protection for Bondholders such that in the case of any shortfall or default in repaying Bondholders at the time redemption is due, a Capital Protection Scheme is in place to seek to ensure that all Bondholders are repaid (in the absence of any fraud of the Company's Directors, and subject to the Directors complying with certain strategic limits on investment which serve to further diversify and de-risk the Company's investment portfolio) any shortfall in the amount they recover from the Company (in the event of its liquidation or insolvent administration) up to the full amount of the capital invested. "***

IMPORTANT: Any person reading this document and any reference to 'risks' within it, would have every right to believe that any of the risks that were referenced or explained in the document, were covered by the Capital Protection and Capital Guarantee that was inserted everywhere into the document and, importantly, on these risk specific pages and only AFTER all of the risks had been explained and therefore was being expressed as the mechanism that existed to offset those risks entirely.

Q - Can the FCA provide information to explain why it confirmed at the FCA APM this week to the public, media and victims [and MP's and Committee's that it knew to have a keen interest] that it believed all Blackmore Bond promotional material was compliant with FSMA, applicable other laws and FCA Codes, including COBS and PRIN, and that the material carried appropriate risk warnings, when this document quite clearly does nothing of the sort, but does quite clearly represent to investors that there was no risk, because any risk that might have existed was entirely mitigated or offset by the Capital Protection/Capital Guarantee?

FOIA ELEMENT 2 - False or Misleading representations? - In addition to the multiple and overriding references to guaranteed returns and with the whole investment guaranteed, there are numerous concerning representations that appear to be misleading, at best, if not entirely false.

PAGE 18 - "*The Blackmore Group has experience in managing investments and managing clients, having raised tens of millions of pounds over the past years in both the institutional and retail sectors.*"

Q: Have Blackmore Group raised any money from Institutional sector?

PAGE 20 - The Investment Brochure claims that 16 projects had been completed by Blackmore Bond between 2016 and 2018, generating total completed sales of £28,146,000 and a profit of 20%.

Q: Are any of the claims made by this Blackmore Bond Investment Brochure as to completed Blackmore Bond [Not Blackmore Group or other vehicle] projects and their values and returns correct?

Q: Are any of the claims made by this Blackmore Bond Investment Brochure as to the 10 projects currently under construction by Blackmore Bond [Not Blackmore Group or other vehicle] projects and their values and returns correct?

PAGES 22 & 23 - "*The Investment Process*"

This consists of two pages describing the 'Investment Process' that Blackmore Bond undertakes in respect to every 'investment'. A process that will no doubt impress any potential investor and only serve to encourage them.

Q: I and others have evidence that demonstrates a rather different process to the one described here. What steps did the FCA take to validate that this process was an accurate representation?

Q: There are multiple additional claims and statements made within this Investment Brochure that are, or certainly appear to be false or misleading, but that would be equally simple for the FCA to 'validate' as to their accuracy. Can the FCA provide the information that it obtained so as to make its claim this week that all of the above and everything within this Investment Brochure was factually correct, clear, fair and not misleading or false?

16 projects completed in two years

A total sale value of
£28,146,000

Average profit of 20%

These range in size from six one-bed apartments to a small estate of 21 houses and 10 apartments.

Current Blackmore Bond projects (as at 15 December 2017)

10 - Projects which are currently under construction

6 - Projects which have either exchanged contracts or had offers accepted

14 - Projects currently undergoing due diligence review

85 - Sites rejected as they did not meet the minimum criteria set by the Investment Committee

Site Name	Houses	Apartments	Land Cost	Build Cost	GDV*
Queen Street, Northwich	6 x 2 bed	N/A	£40,000.00	£485,000.00	£660,000.00
Chester Way, Northwich	N/A	6 x 1 bed	£35,000.00	£377,000.00	£510,000.00
Beech Road, Alderley Edge	6 x 2 bed	N/A	£75,000.00	£686,000.00	£1,470,000.00
Woodside, Crewe Road, Alsager	1	N/A	£800,000.00	£1,300,000.00	£2,300,000.00
The Lodge, Wilmslow	1	N/A	£325,000.00	£628,000.00	£1,050,000.00
Stamford Road, Bowdon	N/A	8	£1,500,000.00	£1,700,000.00	£4,250,000.00
The Weston Estate, Macclesfield	21	10	£225,000.00	£3,600,000.00	£4,475,000.00
Victoria Park Road, Buxton	8	6	£313,000.00	£1,145,000.00	£1,928,000.00
Masons Lane, Macclesfield	7	N/A	£0	£869,000.00	£1,225,000.00
Bridge Grove, Southport	N/A	17	£280,000.00	£1,368,000.00	£1,836,000.00
Green Street, Macclesfield	7	8	£275,000.00	£1,304,000.00	£2,350,000.00
Crow Wood Lane, Widnes	N/A	10	£178,000.00	£778,000.00	£1,050,000.00
Victoria Road, Penrith	N/A	23	£485,000.00	£1,369,000.00	£3,082,000.00
Beswicks Road, Northwich	N/A	7	£85,000.00	£547,000.00	£700,000.00
John Fryer Avenue, Wincham	4	N/A	£75,000.00	£520,000.00	£660,000.00
Marshall Lane, Wincham	0	6	£80,000.00	£478,000.00	£600,000.00

*GDV – Gross Development Value

FOIA LEMENT 3 - FSMA specific confirmations:

This Information Memorandum, which is a Financial Promotion for the purposes of Section 21 of the Financial Services and Market Act 2000 (“FSMA”), is issued by the Company which accepts responsibility for the information contained herein. This Information Memorandum has been approved as a financial promotion by NCM Fund Services Ltd, 7 Melville Crescent, Edinburgh, EH3 7JA (FCA number 183732).

THE BLACKMORE GROUP DOES NOT OFFER FINANCIAL ADVICE. This investment is only directed at the following categories of person: sophisticated investors, high net worth individuals and restricted investors. Even if you fall within one of these categories, prospective investors must ensure that they fully understand the nature of the product and the risks, that the product is suitable for their personal circumstances and that they have the level of sophistication required to decide whether or not to subscribe for the Bonds. All potential investors will be asked to certify their level of understanding and suitability during the application process. If there is any doubt, please seek advice from an FCA authorised and regulated financial adviser. Restricted Investors will be asked to confirm upon application that they meet the guidelines laid out by the FCA in COBS 4.7.10.

There are references to FSMA and FCA COBS applying to this investment, rather confirming that even Blackmore Bond knew it was therefore subject to that law and those rules, and rather confirms that the FCA absolutely knew this and that it was therefore very much within their Perimeter, Authority and Powers, contrary to their many false representations to that effect since the collapse of Blackmore Bond.

The Investment Brochure includes references to the effect that there were 'restrictions' to certain type of investor. However, they do not include what the criteria was, and where it referred to FCA COBS 4.7.10 there was no link to the information or inclusion of it.

Indeed, the following statement in the document is concerning in the sense that it reserves information that could have been included in writing in the Investment Brochure, to the less visible, and often invisible parts of the process, such as those that I and my professional colleagues witnessed in March 2017 and that I reported.

"Investment is restricted to certain categories of suitable investors and is not suitable for all. Suitability is explained in the application process."

It is clear from my reports and those of others including FCA authorised IFA's that Blackmore Bond was being marketed and sold to non-sophisticated consumers, they were being 'coached' so as to 'self-certify' and/or having their sophistication 'manipulated'.

Q: Can the FCA please provide information so as to explain how they have come to deem this Investment Brochure as being compliant, and why the FCA has sought to claim since April 2020 that everything pursuant to Blackmore Bond was beyond their perimeter, authority and powers when the Blackmore Bond Investment Brochure itself confirms that they were very much within the FCA perimeter, authority and powers, just as I and other professionals have been saying for five or more years?

Q: I must also ask the FCA for information as to why it has made those false representations to the media (Telegraph and FT Adviser to name but two), to me, to the TSC, to Parliament via statements it gave to John Glen who then read them in the House of Commons to all MP's, and via a briefing document produced by HM Treasury and circulated to MP's after the Panorama programme was broadcast, with intent to mislead MP's and their constituents that were victims?

FOIA ELEMENT 4 - FCA halo - In addition to the countless misleading or indeed false representations, and multiple assurances as to all investor money being guaranteed, the Blackmore Bond investment brochure seeks to establish the same FCA Halo or illusion of FCA protection that Dame Gloster referred to in her findings in respect to LC&F.

PAGE 4

This Information Memorandum, which is a Financial Promotion for the purposes of Section 21 of the Financial Services and Market Act 2000 (“FSMA”), is issued by the Company which accepts responsibility for the information contained herein. This Information Memorandum has been approved as a financial promotion by NCM Fund Services Ltd, 7 Melville Crescent, Edinburgh, EH3 7JA (FCA number 183732).

PAGE 15

"The policy has been arranged by All Seasons Underwriting Insurance Brokers Limited, a Lloyd's of London broker regulated by the FCA (number 308425). The policy is granted by Northernlight Surety Company, SRL (company registration number 3-102-692414) (NLS). NLS is a specialist in bid bonds, performance bonds, advance payment bonds, maintenance bonds, advance payment bonds, commercial performance bonds, real estate and endorsement bonds. NLS has a balance sheet showing assets in excess of \$115 million."

PAGE 26

Kenneth ‘Buzz’ West, Independent Non-Executive Chairman

Buzz has considerable non-executive experience in the financial services arena. He is currently the Chairman of European Wealth Group Limited and was founder and Chairman of Ashcourt Rowan plc prior to its sale to Towry. He was Deputy Chairman of Hume Capital Securities plc and Chairman of Hume Capital (Guernsey) Limited. Aside from wealth management Buzz was Chairman of the leading loss adjustor, GAB Robins, taking them from management buy out to trade sale to the US group Crawford, and the senior non-executive director to the Norwegian telecoms company Norcon plc. As an officer currently regulated by the FCA and the Irish Central Bank he is familiar with the risk & compliance needs of a fast-growing company in the fund management sector.

PAGE 30 - Under the heading 'Security Trustee' and 'Security & Capital Protection Scheme'

"The Capital Protection Scheme is arranged by All Seasons Underwriting Insurance Brokers Limited (ASUIA), a Lloyd's of London broker regulated by the Insurance Companies Control Service, (number: F.O.S. 23 - 8204) and also to a limited extent in relation to its UK operations by the UK Financial Conduct Authority (FCA). The policy itself is underwritten by NLS. NLS has a Group balance sheet with assets in excess of \$115,000,000 (as at December 2016). NLS has been an approved insurer for a number of prestigious clients including, the US Corp of Engineers, South African Shipyards and the US government agency USAID."

PAGE 31

"Compliance partners: NCM Fund Services Ltd, Company number SC166074 and FCA number 183732. NCM acts for over 100 funds with gross assets of over £2 billion investing in different asset classes such as property, private equity, venture capital, family limited partnerships, commodities, etc. NCM has approved this Information Memorandum as a Financial Promotion under Section 21 of the FSMA."

PAGE 32

Goji Financial Services Limited, a private limited company registered in England & Wales under company number 10234133 & whose registered office is at 3 Waterhouse Square, 138 Holborn, London, EC1N 2SW which is authorised & regulated under the FCA with the FCA reference number 765333 to carry on the activity specified in article 25 of RAO of arranging deals as an appointed representative of Sapia

Goji are mentioned as being involved on six different occasions in the Investment Brochure.

Q: Can the FCA provide information to explain why it did not find that the repeated inclusions and references as to the involvement of FCA regulated parties did not mislead investors as to the involvement of FCA authorised parties that Dame Gloster confirmed created a 'Half' of the investment as to there as FCA oversight?

ATTACHMENT TO THIS FOIA – The Blackmore Bond Investment Brochure from 2018. A 40 plus page document, the front page of which is below.



So, following the FCA APM on October 12th I challenge the representations by Steward and the FCA that they had 'virtually completed' the FCA investigation of this Marketing Material and concluded that it was all 'largely accurate', in an effort to absolve NCM Fund Services, the FCA authorized firm that had approved it as being 'Fair, Clear and Not Misleading'.

The FCA refused to provide any information in respect to any of those FOIA's, unlawfully labelling them all as 'vexatious'. (A complaint is in train in respect to that)

However, having made those conclusions at the APM, in November more than a month later in a letter from Mark Steward to Rosie Cooper MP, he backtracks entirely from that conclusion and that their investigation was virtually complete and instead writes:

We are also closely examining the adequacy of the financial promotions issued by Blackmore and aspects of the sale process. Our work is ongoing and we will take appropriate action if we identify breaches of our rules.

Indeed, a month later and two months after the FCA APM where Steward and the FCA made these conclusions and representations, Mr Rathi also backtracks from them in his letter to the TSC, writing:

"We are also closely examining the adequacy of the financial promotions issued by Blackmore and aspects of the sales process. Our work is on-going and we will take appropriate action if we identify breaches of our rules."

Both, however, do make and repeat various representations that they knew to be false and/or misleading in these letters.

So, we have the FCA making false and/or misleading representations and City of London Police, Actionfraud and the NFIB doing likewise and both suppressing and concealing evidence of fraud by Blackmore Bond and its directors.

After I make a report to Actionfraud and present evidence directly to City of London Police so they cannot fob me off, like they were the victims, I eventually received this email (featured earlier in the presentation). In June 2021 they confirm the Insolvency Service (IS) has now been tasked by the various agencies to investigate.

The IS confirmed to me that they only opened this investigation in June 2021, and as a result of my report to Actionfraud. In my opinion, the IS was tasked with investigating because it did not have the scope to investigate or expose failures and dishonesty by the FCA and COLP.

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

Since the Panorama broadcast, the FCA, Mark Steward and Nikhil Rathi have all stated that the Insolvency Service had investigated Blackmore Bond and its Directors. I include the actual quote below from Mr Rathi's letter to the TSC in December:

The Insolvency Service has now examined the failure of Blackmore and completed its enquiries into the firm and the conduct of the directors. The Insolvency Service has confirmed that it is not proposing to take any action.

Mr Rathi made the same statement to the TSC in person at a session in November that the Insolvency Service had 'concluded not to take any action' against Blackmore Bond or its Directors following their investigation.

IMPORTANT: Mr Rathi is very careful with his words. His statement implies that the Insolvency Service must therefore have found no evidence of any wrongdoing or fraud, and that Blackmore Bond was not part of a Ponzi scheme.

However, he is careful not to say that. Why?

Because he knows that would be a false representation, and if he does not know it would be a false representation, then he is confirming gross misconduct and failures by the FCA and Insolvency Service to properly investigate.

The FCA, The Insolvency Service and the City of London Police are all well aware that Blackmore Bond involved fraud and was part of a Ponzi scheme.

Liquidators Kroll were bound to provide a report to the Insolvency Service within three months of their appointment and included the following concerns:

"During our preliminary investigations we have identified a significant number of matters relating to the Company and the wider group that require investigation"

The joint liquidators also wrote:

The Former Joint Administrators contacted the FCA shortly following their appointment in April 2020 and provided them with details of what they and their legal advisors consider to be regulatory failings of various parties involved in the companies business, together with information in their possession which we believe to be relevant. The joint liquidators have followed this up with the FCA on several occasions.... The Joint Liquidators do not have visibility on the progress of any work being undertaken by the FCA in relation to the Company. The Joint Liquidators have requested that a public statement be made as to the status of any investigations being conducted by the FCA concerning the Company, (to include NPI and NCM), but to date no statement has been made.

I have the complete evidence file of two investors in Blackmore Bond that did not in fact invest in Blackmore Bond.

They invested in another Blackmore 'investment vehicle' operated by Nunn and McCreesh called 'Blackmore Estates'.

Upon the maturity of that 'investment' the Blackmore Directors claimed that their Blackmore Estates investment had produced the promised and guaranteed returns, BUT that rather than return their original investment plus the alleged interest gained to the investors, would they instead like to invest in Blackmore Bond that had bigger guaranteed returns and had a 'Capital Guarantee Scheme' that guaranteed the return of their investment.

The two investors were tempted and agreed, and in no small part by the risk free guarantees and huge returns, PLUS the fact that Blackmore were purporting that their original investment in Blackmore Estates had achieved the promised stellar returns.

HOWEVER, rather than return their investment plus alleged gains to the investor and for them to 're-invest' that returned cash in Blackmore Bond, the Directors offer to facilitate a transfer of their investment plus the returns directly to Blackmore Bond from Blackmore Estates.

I drafted information requests for these two investors to submit to liquidators, Kroll, asking if there was a transfer of their investment to Blackmore Bond on or around the date on which they had been told it had been transferred.

Kroll confirmed that 'company records' indicate that this investment was made in Blackmore Bond on their behalf on and around those dates.

HOWEVER.....

I drafted a follow up request on behalf of these two investors asking Kroll to provide their personal information that was represented by proof of the physical transfer of cash, and credit, into a bank account belonging to Blackmore Bond to the value of their investment on or around the date when the transfer was alleged to have occurred.

Eventually Kroll wrote to confirm that there was no evidence of any credit to any Blackmore Bond bank account to the value of their investment on or around the dates on which it was alleged this 'transfer' had taken place, or at anytime.

We have since established that there was no transfer of cash, asset or other collateral to the value of these 'transferred' investments to Blackmore Bond at any time.

I have also since established that there were a total of 20 such 'Ponzi transfers' of what purported to be successful Blackmore Estates investments into Blackmore Bond. I have yet to establish how many similar 'Ponzi transfers' there were from other Blackmore vehicles or other investment vehicles operated by associates of Blackmore and their Directors.

TO BE VERY CLEAR: Blackmore Bond was part of a Ponzi scheme

But the evidence doesn't end there.....

I now have information regarding the assets and affairs of Blackmore Bond.

We already know that £46m was invested.

We know that just under £7m was paid to Surge for inducing investors into the fraud

We know that £2m was paid to Aspinall Chase, the Gibraltar based company owned by Nunn and McCreesh

We know that £1m was paid to the Blackmore Bond parent company for the services rendered by Nunn and McCreesh.

We therefore know that approximately £36m was available for the 'investment'
Purpose

Blackmore Project	TITLE NUMBER/S	BB 'Current Site Value'	Secured Creditor 1	Secured Creditor 1 value
St Andrews Project Title No. DN551377: St Andrews Hall, Lower Church Street, Colyton, EX24 6ND	DN551377	600,000	Amicus	383,355
Church Farm Project Title No. ST264697: Land on the north side of Church Farm, Culmhead, Taunton, TA3 7EE	ST264697			
Title No. ST334516: Land adjoining Church Farm Barns, Culmhead, Taunton, TA3 7EE	ST334516	1,360,000	Nextius	1,272,000
St Augustine's Project Title No. MAN189643: St Augustine's, Tillard Avenue, Cheadle Heath, Stockport SK3 0UB	MAN189643	1,100,000	Assetz	956,050
Little Hookstead Farm Project Title No. TT57856: Little Hookstead Farm, High Halden, Ashford TN26 3NH	TT57856			
Title No. TT72587: Lot 1, Little Hookstead Farm, High Halden, Ashford TN26 3NH	TT72587	1,177,445	Nextius (3 Note: as noted at Footnote 2, we understand that (at least) certain of these figures are out of date. For example, the sums due to Nextius for the properties owned by SPV 5 and SPV 6 do not include interest due from 1 August 2019, which currently appears to total an additional approx. £155,000 for SPV 5 and £117,000 for SPV 6. There could well be other charges accruing in addition to interest (and likely default interest).	765,179
Steps Cottage Project Title No. DN116693: Steps Cottage, Lower Court Road, Newton Ferrers, Plymouth PL8 1DG	DN116693	790,000	Nextius (3 Note: as noted at Footnote 2, we understand that (at least) certain of these figures are out of date. For example, the sums due to Nextius for the properties owned by SPV 5 and SPV 6 do not include interest due from 1 August 2019, which currently appears to total an additional approx. £155,000 for SPV 5 and £117,000 for SPV 6. There could well be other charges accruing in addition to interest (and likely default interest).	551,427
Longridge Project Title No. LA759319: Land at Chapel Hill Farm, Chapel Hill, Longridge	LA759319	3,900,000	Assetz	2,640,474
Ealing Project Title No. AGL421699: the freehold land being 60 to 67 (incl), The Park, London W5 5NP	AGL421699	1,350,000	Close Brothers	1,012,500
Oakshade Road Project Title No. SY286662: the freehold land being Sandstones, Oakshade Road, Oxshott, Leatherhead KT22 0LF	SY286662			
Title No. SY862165: the freehold land being on the north side of Oakshade Road, Oxshott, Leatherhead KT22 0FL	SY862165	5,200,000	Close Brothers	3,700,000
Malden Lodge Project Title No. MS184366: Malden Lodge, Woolton Road, Childwall, Liverpool, L16 8NF	MS184366	1,875,000	KSEYE	1,200,000
Holloway Head Project Title No. WK92193: 76 Holloway Head, Birmingham, B1 1NG	WK92193			
Title No. WM610765: South side of Holloway Head, Birmingham	WM610765	1,850,000	KSEYE	897,250
Six Hills Project Title No. HD217951: Six Hills House, Six Hills Way, Stevenage, SG1 1YB	HD217951	3,600,000	Aura	2,412,713
TOTALS		22,802,445	TOTAL FIRST SECURED LOANS	15,790,948
			SECURED SECOND CHARGE LOANS	2,410,000
			TOTAL SECURED Non Bond Holder CREDITORS	18,200,948



INTERNATIONAL CONSORTIUM
OF INVESTIGATIVE JOURNALISTS

OFFSHORE LEAKS DATABASE

DATA FROM

PANAMA PAPERS - MOSSACK FONSECA

BG Holdings Finance Limited



REGISTERED IN:

British Virgin Islands

LINKED COUNTRIES:

Gibraltar

AGENT:

Mossack Fonseca



Officer (3)

	Role	From	To	Data From
Phillip Andrew Nunn	Beneficiary	-	-	Panama Papers
Patrick McCreesh	Beneficiary	-	-	Panama Papers

We also now have evidence to show that the £2m paid to Aspinall Chase in Gibraltar was in fact used to pay 20% commission to European based firms and introducers.

Evidence shows that these firms were generating falsified certification of sophistication of foreign and Ex-Pat investors, and producing QROPS (**qualifying recognised overseas pension scheme**) applications to be sent to pension trustees for release of pension money overseas.

Once the pension money was out of the UK it was used to 'purchase' Life Assurance Bonds, that were then invested into Blackmore and other scams.

We have a dossier of the numerous firms and the various scams involved and a very good view of the whole picture.

It is impossible that the FCA, the Insolvency Service and City of London Police do not have the same information we now have. I am one person investigating this in my spare time.

Albeit, and thankfully, assisted by the incredible victims and a small group of like minded Individuals keen to ensure justice is done and expose not just this but the multiple scams that are out there.

And yet the FCA, Insolvency Service and City of London Police all refuse to take action, all continue to conceal and suppress the evidence and, incredibly, seek to exonerate the fraudsters and the 7 FCA authorized firms involved to conceal their failures and their prior and ongoing dishonesty.

Enough really is enough. There must be a full enquiry, and victims must be compensated now and before the enquiry begins. Liability and dishonesty by those public bodies is clearly established.