

12 Endeavour Square  
London  
E20 1JN

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

---

## **FINAL NOTICE**

---

**To: LYNDEN GERARD SCOURFIELD**

**Dated: 20 JUNE 2019**

### **ACTION**

1. For the reasons set out in this Final Notice, the Authority hereby takes the following action against Mr Scourfield.
2. The Authority gave Mr Scourfield the Decision Notice, which notified Mr Scourfield that, for the reasons given below and pursuant to section 56 of the Act, the Authority had decided to make an order prohibiting Mr Scourfield from performing any function in relation to any regulated activity carried on by any authorised person, exempt person or exempt professional firm.
3. Mr Scourfield has not referred the matter to the Tribunal within 28 days of the date on which the Decision Notice was given to him.
4. Accordingly, for the reasons set out below, the Authority hereby makes an order pursuant to section 56 of the Act prohibiting Mr Scourfield from performing any function in relation to any regulated activity carried on by an authorised person,

exempt person or exempt professional firm. The Prohibition Order takes effect from 20 June 2019.

## **DEFINITIONS**

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

“the Act” means the Financial Services and Markets Act 2000;

“the Authority” means the Financial Conduct Authority;

“the Decision Notice” means the Decision Notice given to Mr Scourfield dated 17 April 2019;

“EG” means the Enforcement Guide;

“FIT” means the Fit and Proper Test for Employees and Senior Personnel sourcebook;

“the Handbook” means the Authority’s Handbook of rules and guidance;

“the Prohibition Order” means the order prohibiting Mr Scourfield, pursuant to section 56 of the Act, from performing any function in relation to any regulated activity carried on by an authorised person, exempt person or exempt professional firm;

“Mr Scourfield” means Lynden Gerard Scourfield;

“the Tribunal” means the Upper Tribunal (Tax and Chancery Chamber); and

“the Warning Notice” means the Warning Notice given to Mr Scourfield dated 3 January 2019.

## **RELEVANT STATUTORY PROVISIONS**

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

## **SUMMARY OF REASONS**

7. The Authority has concluded, on the basis of the facts and matters and conclusions described in the Warning Notice, and in the Decision Notice, that Mr Scourfield is not a fit and proper person to perform any function in relation to any regulated activity carried on by any authorised person, exempt person or exempt professional firm, as his conduct has demonstrated a serious lack of honesty and integrity. Specifically, Mr Scourfield was convicted, upon his own confession, on 12 August 2016, of 1 count of conspiracy to corrupt, contrary to section 1 of the Criminal Law Act 1977 and 4 counts of fraudulent trading, contrary to section 458 of the Companies Act 1985.

8. On 2 February 2017, Mr Scourfield was sentenced to a total term of 11 years and 3 months’ imprisonment and he was disqualified under section 2 of the Company Directors Disqualification Act 1986 for 9 years.

### **FACTS AND MATTERS RELIED ON**

9. Mr Scourfield has never been approved by the Authority to perform any controlled functions in relation to any firm authorised by the Authority.
10. On 12 August 2016, Mr Scourfield was convicted at Southwark Crown Court of 1 count of conspiracy to corrupt, contrary to section 1 of the Criminal Law Act 1977 and 4 counts of fraudulent trading, contrary to section 458 of the Companies Act 1985.
11. On 2 February 2017, Mr Scourfield was sentenced at Southwark Crown Court to a total of 11 years and 3 months' imprisonment for these offences. Mr Scourfield was also disqualified as a director for 9 years under section 2 of the Company Directors Disqualification Act 1986.
12. Mr Scourfield's offences were committed while he was a senior employee of a bank.
13. In his sentencing remarks (made on 2 February 2017), the Judge commented on the seriousness of Mr Scourfield's conduct, stating that Mr Scourfield abused his power and trust as a senior manager at the bank by "exploiting the obvious weaknesses in the bank's systems and the lack of proper supervision to which [you] should have been subject" and "all over a long period of time". Mr Scourfield acted corruptly, being motivated by the realisation of "financial gain". The Judge stated that Mr Scourfield had allowed others to take advantage of the bank and of its corporate customers who were under his "effective control".
14. Mr Scourfield's offences were committed over a prolonged period of time (more than 4 years) in which he obtained gifts in exchange for referrals of the bank's business customers. The Judge noted that it resulted in not only huge losses for his employer but the "destruction along the way of the livelihoods of a number of innocent hard-working people".

### **DECISION MAKER**

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

### **IMPORTANT**

16. This Final Notice is given to Mr Scourfield in accordance with section 390(1) of the Act.

### **Publicity**

17. The Authority must publish such information about the matter to which this Final Notice relates as the Authority considers appropriate. The information may be published in such manner as the Authority considers appropriate. However, the Authority may not publish information if such publication would in the opinion of the Authority, be unfair to Mr Scourfield or prejudicial to the interests of consumers.
18. The Authority intends to publish this Final Notice and such information about the matter to which this Final Notice relates as it considers appropriate.

Lynden Gerard Scourfield  
Final Notice

**Authority Contact**

19. For more information concerning this matter generally, Mr Scourfield should contact Hema Rachhoya at the Authority (direct line: 020 7066 2770).

**Anna Couzens**  
**Enforcement and Market Oversight**

## **ANNEX**

### **RELEVANT STATUTORY PROVISIONS**

1. The Authority's operational objectives include securing an appropriate degree of protection for consumers (section 1C of the Act) and protecting and enhancing the integrity of the UK financial system (section 1D of the Act).
2. Section 56(1) of the Act provides:

"The [Authority] may make a prohibition order if it appears to it that an individual is not a fit and proper person to perform functions in relation to a regulated activity carried on by:

  - (a) an authorised person,
  - (b) a person who is an exempt person in relation to that activity, or
  - (c) a person to whom, as a result of Part 20, the general prohibition does not apply in relation to that activity."

### **RELEVANT REGULATORY PROVISIONS**

3. In exercising its power to make a prohibition order, the Authority must have regard to guidance published in the Handbook and in regulatory guides, such as EG. The relevant main considerations in relation to the action specified above are set out below.

#### **The Enforcement Guide**

4. The Authority's policy in relation to exercising its power to issue a prohibition order is set out in EG.
5. EG 9.1 explains the purpose of prohibition orders in relation to the Authority's regulatory objectives.
6. EG 9.2 sets out the Authority's general policy on making prohibition orders. In particular—
  - (a) EG 9.2.1 states that the Authority will consider all relevant circumstances, including whether enforcement action has been taken against the individual by other enforcement agencies, in deciding whether to make a prohibition order;
  - (b) EG 9.2.2 states that the Authority has the power to make a range of prohibition orders depending on the circumstances of each case; and
  - (c) EG 9.2.3 states that the scope of a prohibition order will depend on, among other things, the reasons why the individual is not fit and proper and the severity of risk he poses to consumers or the market generally.
7. EG 9.5.1 states that where the Authority is considering whether to make a prohibition order against someone who is not an approved person, the Authority will consider the severity of the risk posed by the individual and may prohibit him

where it considers that it is appropriate to achieve one or more of the Authority's statutory objectives.

8. EG 9.5.2 provides that, when considering whether to exercise its power to make a prohibition order against someone who is not an approved person, the Authority will consider all the relevant circumstances of the case. These may include, but are not limited to, the factors set out in EG 9.3.2. Those factors include: whether the individual is fit and proper to perform functions in relation to regulated activities (noting the criteria set out in FIT 2.1, 2.2, and 2.3); the relevance and materiality of any matters indicating unfitness; the length of time since the occurrence of any matters indicating unfitness; and the severity of the risk which the individual poses to consumers and to confidence in the financial system.

### **Fit and Proper Test for Employees and Senior Personnel**

9. The Authority has issued guidance on the fitness and propriety of individuals in FIT.
10. FIT 1.3.1BG(1) states that the most important considerations when assessing the fitness and propriety of a person to perform a controlled function include that person's honesty, integrity and reputation.
11. FIT 2.1.1G states that in determining a person's honesty, integrity and reputation, the Authority will have regard to all relevant matters including, but not limited to, those set out in FIT 2.1.3G. It notes, amongst other things and by way of example, that:

"... conviction for a criminal offence will not automatically mean an application will be rejected. The [Authority] treats each candidate's application on a case-by-case basis, taking into account the seriousness of, and circumstances surrounding, the offence, the explanation offered by the convicted person, the relevance of the offence to the proposed role, the passage of time since the offence was committed and evidence of the individual's rehabilitation."
12. FIT 2.1.3G(1) states that the matters referred to in FIT 2.1.1G include, but are not limited to, whether a person has been convicted of any criminal offence, noting that particular consideration will be given to offences including dishonesty, fraud and financial crime (amongst other things).