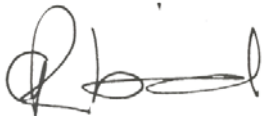


FSCS DETERMINATION INSTRUMENT 2022 (London Capital & Finance plc)

1. Using its powers in the Financial Services and Markets Act 2000 ("FSMA"), the Financial Services Authority ("FSA") made compensation rules in Chapter 7 of the Compensation Sourcebook of the FSA Handbook ("COMP") providing the Financial Services Compensation Scheme Limited ("FSCS") with specific rights and obligations against firms in default and third parties. On 1 April 2013, the Financial Conduct Authority ("FCA") became responsible for the conduct of business regulation for all authorised firms and prudential regulation for firms other than banks, building societies, credit unions, insurers and major investment firms. From that date, the compensation rules relevant to investment firms (other than major investment firms) can be found in the Compensation Sourcebook of the FCA Handbook.
2. London Capital & Finance plc (the "Firm") was placed into administration on 30 January 2019.
3. In accordance with its powers under Part 15A of FSMA, HM Treasury has established the LCF Compensation Scheme and has required that FSCS exercises specified functions in its capacity as the LCF Scheme Operator, for the purpose of administering the LCF Compensation Scheme.
4. Pursuant to section 224F of FSMA (Rules about relevant schemes), the FCA has made rules to apply certain provisions of COMP to the LCF Compensation Scheme with and without modifications to ensure that FSCS is able to carry out specified functions under Part 15A of FSMA in respect of the LCF Compensation Scheme.
5. FSCS has determined to use the powers in COMP Chapter 7.3R as modified by COMP App 1.1, in respect of the Firm and all bondholders (the "bondholders") who have claims under the LCF Compensation Scheme the ("Claim or Claims"). For the avoidance of doubt, the bondholders will not include those investors who have assigned their claims against the Firm to a third party, nor will it include the third party to whom the claims against the Firm has been assigned.
6. Using the powers specified below, FSCS has determined that:
 - i. The payment of compensation by it in respect of any of the bondholders' Claims shall have the effects specified in modified COMP 7.3.8R(3), (4) and (5);

- ii. In accordance with modified COMP 7.3.8R(3), FSCS shall immediately and automatically be subrogated, subject to such conditions as the FSCS determines are appropriate, to all of the rights and claims in the United Kingdom and elsewhere of the bondholder against the Firm and/or any third party (except the FCA) (whether such rights are legal, equitable or of any other nature whatsoever and in whatever capacity the Firm or relevant third party is acting). FSCS will assume all the rights of bondholders to make claims and be represented in relation to any proceedings relating to the insolvency of the Firm, including those rights arising under the Insolvency Act 1986;
 - iii. In accordance with modified COMP 7.3.8R(4), the FSCS may claim and take legal action or any other proceedings or steps in the United Kingdom or elsewhere to enforce such rights in its own name or in the name of, and on behalf of, the bondholder, or in both names against the Firm and/or any relevant third party; and
 - iv. In accordance with modified COMP 7.3.8R(5), the subrogated rights and claims conferred on the FSCS shall be rights of recovery and claims against the Firm and/or any relevant third party which are equivalent (including as to amount and priority and whether or not the Firm and/or any relevant third party is insolvent) to and do not exceed the rights and claims that the bondholder would have had.
7. FSCS reserves the right to amend, remake, or revoke these determinations at any time as permitted by modified COMP 7.3.4R(5).
8. This instrument is made under modified COMP 7.3R and takes effect on 4 November 2021.
9. Unless defined in this determination, all expressions used which are also defined terms in the FCA Handbook Glossary shall have the same meaning as given to them in that glossary.

This Determination under modified COMP 7.3R is agreed on behalf of the Executive by:



Caroline Rainbird
Chief Executive
8 February 2022