

Financial Services Regulation London Office



Our London financial services regulation practice encompasses both contentious and non-contentious financial services regulation, including advisory mandates, internal investigations in response to incidents, and defence of investigations and enforcement action by regulators. Our advisory work includes compliant conduct of business, launch of new businesses and products, governance and prudential requirements. We are also experts in anti-bribery and corruption laws, sanctions and white collar crime.

Our clients include investment, private and retail banks, retail and alternative investment fund managers, insurers, broker dealers, financial advisers and, in relation to bribery and corruption and sanctions issues, other non-financial sector corporates.

Our lawyers are active in trade associations and invest time keeping in touch with the UK Prudential Regulation Authority and Financial Conduct Authority and other European regulators to understand and seek to influence the regulators' developing thinking on emerging issues. Our lawyers also have considerable experience in dovetailing the requirements of regulation in the US with that in the UK and the EEA.

We invest time in getting to know our clients' businesses so that we can help them anticipate opportunities and risks. We give practical, succinct, user friendly advice in a timely and responsive way. You can be sure, however, that our advice will always be underpinned by rigorous and insightful analysis. Where regulation is new or developing, untested approaches may be needed and the willingness to take a firm position. We are not afraid to do so.

Representative experience of our team members – advisory mandates

- Advising banks, insurers and asset managers on reviews of various contracts, policies and terms and conditions to ensure compliance with Treating Customers Fairly requirements and consumer rights laws.
- Advising EEA and third country investment managers on the impact of and compliance with the Alternative Investment Fund Managers Directive.
- Advising regulated funds and their managers regarding the UCITS directives, including eligible assets and trading matters.
- Advising on compliant marketing of retail investment products, including on a cross border basis.
- Advising a UK bank on the design of its governance arrangements and the implementation of the Senior Managers Regime.
- Advising a UK bank on the roll out of new customer account products, including for foreign customers.
- Advising fund managers on the implementation of the new Market Abuse Regulation, and its impact on anti-market abuse controls.

“Really impeccable credentials when dealing with the regulator.”

—*Chambers UK*

“Combines a client friendly approach with excellent technical knowledge.”

—*The Legal 500*



“Sources say Angela Hayes is “diligent, very bright and grounded, very thorough, complete and a great communicator.”
—*Chambers UK*

Representative experience of our team members – advisory mandates (cont’d)

- Advising market participants on the expected future impact of MiFID II to their businesses.
- Advising financial institutions in relation to their “Brexit” planning strategies, including potential restructuring options.
- Advising an asset manager on review and amendment of its procedures for assessing “suitability” of its services for new retail customers.
- Advising financial institutions on the application and impact of client money rules to their businesses.
- Advising an insurer on redesign of its direct sales processes.
- Advising banks, fund managers and insurers on developing adequate procedures for the purposes of the Bribery Act 2010.
- Trading advice to fund managers and funds, including advice in relation to shareholder activism.

Representative recent experience of our team members – investigations and enforcement

- Acting for one of the largest global institutional fund managers on responding to regulatory investigations and threatened investor litigation following a major jurisdictional operational error incident that impacted investment performance across the client base globally over a protracted period. Administrative proceedings by the SEC were successfully settled and proceedings by other regulators were avoided.
- Advising hedge fund manager clients responding to regulatory investigations and proceedings alleging market abuse by traders, including market manipulation strategies such as “spoofing” and “layering”.
- Internal investigation into whistleblower allegations of misconduct by a hedge fund manager, including allegations of misleading investors.
- Representing a client responding to FCA enforcement proceedings alleging manipulation of the price of a gilt ahead of a Quantitative Easing auction; negotiating a settlement on the client’s behalf.
- Advising an international broker severely impacted by the removal of the ceiling on the Swiss Franc; advising the broker on its response to enquiries by the FCA and other regulators, on communications with customers, and on internal remediation.
- Advising an international broker on an internal investigation into irregularities in the conduct of its metals trading desk and on notifications to the FCA and DIFC and remediation work.
- Advising a former director of a large insurance broker on defending enforcement action by the FCA alleging failures of competence in management of the business. Following successful representations, the action was dropped.
- Representing three former directors of a UK bank responding to a FSA enforcement investigation alleging failures of competence in handling liquidity and managing the commercial lending book prior to and during the 2008 credit crisis. This complex long running investigation was discontinued by the regulator without adverse findings.
- Advising a broker dealer on an internal investigation into transaction reporting errors spanning a two year period, including reviewing causes, remediation and advising on dialogue with the regulator. Enforcement action was successfully avoided.
- Advising a hedge fund manager on an internal investigation into whistle blower allegations of corruption by the board of an investee company.
- Representing a fund manager in relation to FSA allegations that retail investors had been introduced into certain of its funds designed for professional investors , including a Section 166 skilled person appointment required by the FSA.
- Advising the private investment companies of one of the world’s leading industrialists on an internal investigation into bribery/corruption suspicions tainting a series of complex, high value investment transactions.
- Responding to Serious Fraud Office investigations and proceedings, including where regulatory investigations and civil litigation are progressing or threatened in parallel.

Contacts:

Angela Hayes
+44 20 7551 2145
ahayes@kslaw.com