

# **Annual Report of the Irish Financial Services Appeals Tribunal** **for the year ending 31 December 2011**

(Pursuant to Section 57AW of the Central Bank and Financial Services Authority of Ireland Act 2003 (Central Bank Act 2003))

1. The Financial Services Appeals Tribunal (the Appeals Tribunal) is composed of two Executive Members and five Lay Members. The Executive Members are Francis D Murphy, formerly a Judge of the Supreme Court, Chairperson, and Inge Clissman Senior Counsel, Deputy Chairperson. The Lay Members are Geraldine Clarke, John Fish, Liam Madden, John Loughrey and Paulyn Marrinan Quinn.
2. All the members of the Appeals Tribunal were appointed for a term of five years from February 2007 and upon the expiration of that term, the President of Ireland reappointed all of the members of the Appeals Tribunal for a further term of one year.
3. Treasa Kelly B.L. is Registrar of the Appeals Tribunal.
4. The offices of the Appeals Tribunal are located at Frederick House, 19 South Frederick Street, Dublin 2. Telephone: 01-6350040, fax: 01-6350249, website: [www.ifsat.ie](http://www.ifsat.ie). The Tribunal continues to enjoy those facilities free of rent but it is recognised that this special arrangement is likely to terminate within the coming year. Provision is made in the Tribunal's budget for 2012 for alternative accommodation.
5.
  - a) One notice of appeal was received during the year 2011.
  - b) The appeal was lodged on the 2<sup>nd</sup> of June 2011. The appeal was against a decision of the Central Bank cancelling the Appellant's registration as an insurance intermediary pursuant to the Insurance Mediation Regulations 2005 and its authorisation to act as a mortgage intermediary pursuant to the Consumer Credit Act 1995 (as amended).
  - c) The Chairman appointed Ms Inge Clissman, Ms Geraldine Clarke and Ms Paulyn Marrinan Quinn to be the Appeals Tribunal to hear the appeal.

- d) A preliminary hearing was held on the 25th of July 2011 when directions were given regarding time frames for the exchange of statements and legal submissions. On the application of the Appellant the Appeals Tribunal ordered, pursuant to Section 57W(2)(b)(1) and (2) of the Central Bank Act 2003, that the appeal proceed in private and restricted the disclosure of details which would identify parties involved in the appeal.
  - e) The appeal was heard on the 28th of September 2011.
  - f) The Tribunal remitted the matter to the Central Bank pursuant to Section 57X(1) of the Central Bank Act 2003 with the recommendation the matter be reconsidered by the Bank having regard to the Tribunal's findings as set out therein.
6. The redacted decision of the Appeals Tribunal is available on the Tribunal's website.
7. In April 2011 the Members of the Appeals Tribunal met together for the purpose of considering the new structures in place within the Central Bank and heard a helpful analysis by Dervla Rowland and Peter Oakes of the Central Bank Enforcement Division in relation thereto.
8. A new fitness and probity regime was introduced on the 1st of December 2011 by regulations made pursuant to the Central Bank Reform Act 2010 and these regulations will be fully implemented by the 1st of December 2012. It is anticipated that decisions arising under these regulations will give rise to further applications to the Appeals Tribunal.
9. At the request of the Department of Finance, the Registrar provided information required by parliamentary questions and dealt with various enquiries from the media. Additional enquiries were received from individuals concerning transactions with the Central Bank, the Financial Ombudsman or other financial institutions.
10. At the time the Appeals Tribunal was put in place in 2007 the Chairperson and the Deputy Chairperson made themselves available to carry out their executive functions for four days and two days per month respectively. In June 2009 the Chairperson and the Deputy Chairperson voluntarily agreed to reduce the number of days that they

were available to the Tribunal by fifty per cent with a corresponding fifty percent reduction in their remuneration. In June 2011 the Chairperson and the Deputy Chairperson took a further fifty percent reduction in their fees of their own accord.

11. The accounts for the year ended the 31<sup>st</sup> of December 2011 are attached to this report.

Dated: 22 March 2012

Francis D. Murphy

**Irish Financial Services Appeals Tribunal**  
**Income and expenditure account for the period ended 31 December 2011**

	2011 €	2010 €
<b>Income</b>		
Funds provided by the Central bank	100,000	100,000
<b>Expenditure</b>		
<b>Costs of hearings</b>		
Panel Fees	19,524	2,145
Stenographer	2,749	0
Security	300	0
<b>Administration costs</b>		
Executive fees	79,292	90,965
Legal & professional fees	250	5,697
Accountancy	4,039	4,980
Stationery, printing & communications	428	695
Travel, subsistence & canteen	490	3,403
Bank Charges	40	46
<b>Total expenditure</b>	107,112	107,931
<b>(Deficit)/Surplus of income over expenditure</b>	(7,112)	(7,931)

The Executive fees of the Chairperson and the Deputy Chairperson are calculated on the basis that they made themselves available to the Appeals Tribunal for two days and one day per month respectively until 01 July 2011 and thereafter for one day and half a day per month respectively.

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**Registrar**

We hereby certify that books and records were created by the Registrar in accordance with our advice and maintained under our supervision. We certify that the above accounts are based on the said books and records and give a true account of the income and expenditure of the Irish Financial Services Appeals Tribunal for the period ending 31 December 2011.

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**Spain McQuillan**  
**Chartered Accountants & Registered Auditors**