



# **DEPOSITORS' COMPENSATION SCHEME**

**(in relation to the Compensation of Depositors Regulations 2008)**

**ANNUAL REPORT  
OF THE SCHEME MANAGER  
FOR THE YEAR ENDED  
31 MARCH 2019**

# **DEPOSITORS' COMPENSATION SCHEME**

(in relation to the Compensation of Depositors Regulation 2008)

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# DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

## SCHEME MANAGER

In accordance with Section 5 (1) of the Compensation of Depositors Regulations 2008, made under Section 25 of the Financial Services Act 2008, the Isle of Man Financial Services Authority ("the Authority") ("the Scheme Manager") is charged with the administration of the Depositors' Compensation Scheme.

The Transfer of Functions (Isle of Man Financial Services Authority) Order 2015 states "*the Authority shall consist of not less than seven qualified persons appointed by the Treasury, subject to the approval of Tynwald*".

Tynwald has approved the following persons to be members of the Authority:

	<b><i>Date first elected</i></b>
Mr P Wright	November 2015
Ms L Boyle	November 2015
Mr D Stacey	November 2015
Mr M Waterhouse	November 2015
Ms K Badgerow	November 2015
Mr J Clarke	March 2016
Ms L Thompson	July 2018
Ms J McAndry	July 2018

# **DEPOSITORS' COMPENSATION SCHEME**

(in relation to the Compensation of Depositors Regulation 2008)

## **OFFICERS AND PROFESSIONAL ADVISERS**

### **SECRETARY**

Mr A Kermode  
Financial Services Authority  
P O Box 58  
Finch Hill House  
Bucks Road  
Douglas  
Isle of Man  
IM99 1DT

### **ADVOCATES**

Callin Wild  
Bank Chambers  
15-19 Athol Street  
Douglas  
Isle of Man  
IM1 1LB

### **AGENT**

KPMG LLC  
P O Box 93  
Heritage Court  
41 Athol Street  
Isle of Man  
IM99 1HN

### **PRINCIPAL BANKER**

The Royal Bank of Scotland  
International Limited (trading  
as Isle of Man Bank)  
2 Athol Street  
Douglas  
Isle of Man  
IM99 1AN

### **AUDITOR**

Deloitte LLP  
The Old Court House  
Athol Street  
Douglas  
Isle of Man  
IM99 1XJ

### **SCHEME MANAGER**

Isle of Man Financial Services  
Authority  
PO Box 58  
Finch Hill House  
Bucks Road  
Douglas  
Isle of Man  
IM99 1DT

# **DEPOSITORS' COMPENSATION SCHEME**

(in relation to the Compensation of Depositors Regulation 2008)

## **REPORT OF THE SCHEME MANAGER**

### ***INTRODUCTION***

This is the eleventh Annual Report by the Authority in its role as Scheme Manager of the Compensation of Depositors Regulations 2008, known as the Depositors' Compensation Scheme ("the Scheme" or "the DCS"). The Isle of Man Financial Services Authority ("the Authority") ("the Scheme Manager") is charged with the administration of the Depositors' Compensation Scheme.

### ***LEGISLATION***

On 9 October 2008, the Treasury Department, Isle of Man Government ("the Treasury"), in exercise of the powers conferred on it by Section 25 of the Financial Services Act 2008, made the Compensation of Depositors Regulations 2008 ("the Regulations") (SD 826/08). The Regulations were approved by Tynwald on 9 October 2008 and came into operation on the same date.

The Regulations provided for the establishment of a fund out of which compensation was to be paid on eligible protected deposits if a Scheme participant licensed under the Financial Services Act 2008 was deemed to have defaulted. The Regulations further provided for the levying of contributions on other Scheme participants (subject to an overall aggregate limit of £200m throughout the life of the Scheme in respect of all defaults occurring on or after 23 October 2008 and before 23 October 2010) and funding from the Treasury in respect of all defaults occurring before 23 October 2010 not exceeding £150m, in order to provide monies for the establishment of the Scheme, upon a default by a Scheme participant.

On 23 October 2010 the 2008 Regulations were revoked and replaced by the Depositors' Compensation Scheme Regulations 2010 ("2010 Regulations") except that they shall continue to apply for the purposes of the Scheme established following the default of Kaupthing Singer & Friedlander (Isle of Man) Limited in liquidation ("KSF") in respect of which the Scheme Manager made a determination on 27 May 2009.

### ***ACTIVATION OF THE SCHEME***

On 27 May 2009, the Authority, as Scheme Manager, determined that KSF was in default in terms of Regulation 3 of the Regulations. This followed the making of a winding-up order by the High Court in the Isle of Man in respect of the affairs of KSF in the Island. The Scheme was activated on the same day.

# **DEPOSITORS' COMPENSATION SCHEME**

(in relation to the Compensation of Depositors Regulation 2008)

## **REPORT OF THE SCHEME MANAGER (CONTINUED)**

### ***SUBMISSION OF CLAIMS***

The statutory cut-off date for the submission of claims was on 27 November 2010.

### ***LEVIES***

During the year ended 31 March 2019, no levies were made against the Scheme Participants in accordance with the Regulations (2018: £nil).

### ***DIVIDEND DISTRIBUTION***

During the year ended 31 March 2019, the Liquidator of KSF declared no dividends (2018: 0.0p in the £). A total of £Nil (2018: £Nil) has been received into the Scheme. The amount that has been recognised as income represents the dividends received in respect of accounts assigned to the Scheme Manager. Dividends received on assigned accounts where no claim has been received by the Scheme Manager have not been recognised as income but have been accrued as a liability as explained in notes 3(e) and 8 of the financial statements.

### ***EXCESS RECOVERIES***

The Scheme was assigned all the rights associated with the Eligible Protected Deposits for which KSF depositors made a claim under the Scheme. These rights include the right to receive dividends paid by the liquidator in respect of the assigned balances. As a result the DCS will be in receipt of dividends in excess of the compensation paid in a number of cases. Dividends in excess of DCS compensation totalling £Nil (2018: £Nil) were paid to claimants during the year.

### ***RETIREMENT / APPOINTMENT OF MEMBERS***

During the year ended 31 March 2019, and to the date of signing the report, the following members retired, with effect from 30 June 2018:

Mr G Karran  
Mr A Smith  
Mr R Butler

During the year ended 31 March 2019, and to the date of signing the report, the following members were appointed, with effect from 1 July 2018:

Ms L Thompson  
Ms J McAndry

# **DEPOSITORS' COMPENSATION SCHEME**

(in relation to the Compensation of Depositors Regulation 2008)

## **REPORT OF THE SCHEME MANAGER (CONTINUED)**

### ***RETIREMENT / APPOINTMENT OF MEMBERS (CONTINUED)***

The Scheme Manager adopts a strict policy in determining and managing the conflicts of interest which may arise between members of the Authority and Scheme Participants. Information regarding Authority members' conflicts of interest is available from the Authority's website [www.iomfsa.im](http://www.iomfsa.im).

### ***RETIREMENT / APPOINTMENT OF SECRETARY***

There have been no changes during the year and to the date of signing the report and financial statements for the year ended 31 March 2019.

### ***PAYMENT OF COMPENSATION***

During the year, the Scheme Manager made compensation payments (net recoveries) totalling £Nil (2018: £Nil).

### ***DISTRIBUTION OF SURPLUS FUNDS AND APPORTIONMENT OF COMPENSATION COSTS***

As explained in Note 10, following consultation between the Scheme Manager, Scheme Participants and the Treasury, the Scheme Manager exercised its discretion as laid down in the Regulations in the apportionment of the compensation costs and any distribution of surplus funds that has arisen in relation to the compensation fund.

During the year the Scheme Manager returned levies to the Scheme Participants totalling £Nil (2018: £Nil).

Until such time as the final distribution from the KSF liquidation is known, there is uncertainty in relation to the amount of the Treasury funding as at 31 March 2019 that will ultimately be repaid and any further surplus that may be distributable to the Scheme Participants.

# **DEPOSITORS' COMPENSATION SCHEME**

(in relation to the Compensation of Depositors Regulation 2008)

## **REPORT OF THE SCHEME MANAGER (CONTINUED)**

### ***PARTICIPATING DEPOSIT TAKERS***

Appendix A to this report lists all participants in the Depositors' Compensation Scheme, in relation to the default of Kaupthing Singer & Friedlander (Isle of Man) Limited under the 2008 Regulations in respect of the year ended 31 March 2019.

### ***FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2018***

The audited financial statements for the year ended 31 March 2019 are set out as part of this annual report.

### ***GOING CONCERN***

As at 31 March 2019, the Scheme is in a deficit (2018: deficit) position and has a net deficit of £1,582,478 (2018: £1,314,970). The Scheme has cash balances of £1,032,429 (2018: £1,295,721) (refer note 15). Whilst there is a current liability of £1,499,403 (2018: £1,499,403) in respect of the Treasury funding, ultimate repayment of this amount and any further return of levies to Scheme Participants, as detailed in regulation 16A of the Regulations, is at the discretion of the Scheme Manager, having regard to the sources of funding from which the compensation payments were made (see note 10).

The Treasury has also confirmed in writing that it will not seek to demand repayment of any funds which would render the Scheme unable to meet its obligations to creditors before at least December 2020.

The Scheme Manager therefore has a reasonable expectation that the Scheme has adequate resources to meet its ongoing costs and to continue in operational existence for the foreseeable future and, therefore, continues to adopt the going concern basis in preparing the annual report and financial statements.



# **DEPOSITORS' COMPENSATION SCHEME**

(in relation to the Compensation of Depositors Regulation 2008)

***APPROVED BY THE FINANCIAL SERVICES AUTHORITY AS SCHEME  
MANAGER OF THE DEPOSITORS' COMPENSATION SCHEME ON 14  
NOVEMBER 2019 AND SIGNED ON ITS BEHALF BY:***

.....

MEMBER

.....

MEMBER

# **DEPOSITORS' COMPENSATION SCHEME**

(in relation to the Compensation of Depositors Regulation 2008)

## Financial Statements

For the year ended 31 March 2019

# **DEPOSITORS' COMPENSATION SCHEME**

(in relation to the Compensation of Depositors Regulation 2008)

## **Statement of Scheme Manager's responsibilities**

The Scheme Manager is responsible for preparing the Scheme Manager's Report and the financial statements in accordance with applicable Isle of Man law and regulations.

The Scheme Manager is responsible for preparing financial statements for each financial year in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice) including Financial Reporting Standard 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland" to the extent that they do not conflict with the Accounts and Audit Regulations 2013 and the Audit Directions 2008, as required by the Audit Act 2006, and the Compensation of Depositors Regulations 2008 made under the Financial Services Act 2008. Under the Audit Act 2006 the Scheme Manager must not approve the financial statements unless it is satisfied that they give a true and fair view of the state of affairs of the Scheme and of the net compensation cost or recovery of the Scheme for that period. In preparing these financial statements, the Scheme Manager is required to:

- select suitable accounting policies and then apply them consistently;
- make judgments and accounting estimates that are reasonable and prudent;
- state whether applicable UK Accounting Standards have been followed, subject to any material departures disclosed and explained in the financial statements; and
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Scheme will continue in operation.

The Scheme Manager is responsible for keeping adequate accounting records that are sufficient to show and explain the Scheme's transactions and disclose with reasonable accuracy at any time the financial position of the Scheme and enable them to ensure that the financial statements comply with the Accounts and Audit Regulations 2013 and the Audit Directions 2008, as required by the Audit Act 2006, and the Compensation of Depositors Regulations 2008 made under the Financial Services Act 2008. The Scheme Manager is also responsible for the system of internal control, for safeguarding the assets of the Scheme and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

The Scheme Manager is responsible for the maintenance and integrity of the corporate and financial information included on the Scheme's website. Legislation in the Isle of Man governing the preparation and dissemination of financial statements may differ from legislation in other jurisdictions.

**By order of the Scheme Manager  
14 November 2019**

Mr A Kermodé  
**Secretary**

# **DEPOSITORS' COMPENSATION SCHEME**

(in relation to the Compensation of Depositors Regulation 2008)

## **Independent auditor's report to the members of Depositors Compensation Scheme**

### **Opinion**

In our opinion the financial statements:

- give a true and fair view of the state of the Scheme's affairs as at 31 March, 2019 and of its net fund expenditure for the year then ended;
- have been properly prepared in accordance with United Kingdom Generally Accepted Accounting Practice including Financial Reporting Standard 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland"; and
- have been prepared in accordance with the requirements of the Accounts and Audit Regulations 2013 and the Audit Directions 2008, as required by the Audit Act 2006, and the Compensation of Depositors Regulations 2008 made under the Financial Services Act 2008.

We have audited the financial statements of Depositors Compensation Scheme (the 'company') which comprise:

- the comprehensive income and expenditure account;
- the balance sheet;
- the statement of changes in equity;
- the cash flow statement; and
- the related notes 1 to 17.

The financial reporting framework that has been applied in their preparation is applicable law and United Kingdom Accounting Standards, including Financial Reporting Standard 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland" (United Kingdom Generally Accepted Accounting Practice) to the extent that they do not conflict with the Accounts and Audit Regulations 2013 and the Audit Directions 2008, as required by the Audit Act 2006, and the Compensation of Depositors Regulations 2008 made under the Financial Services Act 2008.

### **Basis for opinion**

We conducted our audit in accordance with International Standards on Auditing (UK) (ISAs(UK)) and applicable law. Our responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of our report.

We are independent of the company in accordance with the ethical requirements that are relevant to our audit of the financial statements in the UK, including the FRC's Ethical Standard, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

# **DEPOSITORS' COMPENSATION SCHEME**

(in relation to the Compensation of Depositors Regulation 2008)

## **Independent auditor's report to the members of Depositors Compensation Scheme) (continued)**

### **Emphasis of Matter**

We draw attention to note 10 in the financial statements concerning the amount that will ultimately be repaid to the Treasury in relation to its funding. Until the total dividend distribution to be received from KSF liquidation is known, and the final net cost of the Scheme is also known, the final repayment in relation to the Treasury Funding amount may differ from the amount at which it is stated in the financial statements. This also creates significant uncertainty in relation to the final surplus that may be distributable to the scheme participants. Our opinion is not modified in respect of this matter

### **Conclusions relating to going concern**

We are required by ISAs (UK) to report in respect of the following matters where:

- the scheme manager's use of the going concern basis of accounting in preparation of the financial statements is not appropriate; or
- the scheme manager have not disclosed in the financial statements any identified material uncertainties that may cast significant doubt about the company's ability to continue to adopt the going concern basis of accounting for a period of at least twelve months from the date when the financial statements are authorised for issue.

We have nothing to report in respect of these matters.

### **Other information**

The Scheme manager is responsible for the other information. The other information comprises the information included in the annual report, other than the financial statements and our auditor's report thereon. Our opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in our report, we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated. If we identify such material inconsistencies or apparent material misstatements, we are required to determine whether there is a material misstatement in the financial statements or a material misstatement of the other information. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact.

We have nothing to report in respect of these matters.

# DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

## Independent auditor's report to the members of Depositors Compensation Scheme) (continued)

### Responsibilities of Scheme manager

As explained more fully in the statement of Scheme manager's responsibilities, the Scheme manager is responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view, and for such internal control as the Scheme manager determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Scheme manager is responsible for assessing the company's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Scheme managers either intend to liquidate the company or to cease operations, or have no realistic alternative but to do so.

### Auditor's responsibilities for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

A further description of our responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website at: [www.frc.org.uk/auditorsresponsibilities](http://www.frc.org.uk/auditorsresponsibilities). This description forms part of our auditor's report.

### Report on other legal and regulatory requirements

#### Matters on which we are required to report by exception

We have nothing to report in respect of the following matters where the Audit Act 2006 requires us to report to you if, in our opinion:

- the application by or on account of the Scheme of money provided by Tynwald, the payment or application of money or other property held or received by or on account of Scheme, or a transaction effected by or on account of the Scheme is or will be contrary to law;
- the internal organisation of the Scheme, and the internal controls maintained by it, are such as to secure the proper management of the finances of the body and the economy and efficiency in the use of its resources.

Deloitte LLP  
Douglas, Isle of Man  
Date:

## DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

### Comprehensive income and expenditure account for the year ended 31 March 2019

	<i>Note</i>	<b>2019</b> £	2018 £
<b>Income</b>			
Bank levies received	<i>3b,4</i>	-	-
Dividends received from Liquidator	<i>7</i>	-	-
Bank interest receivable	<i>3a</i>	-	-
<b>Other Income</b>			
Recoveries EPS IT & Administration	<i>6</i>	<b>36,620</b>	-
Scheme Legal Expense Recoveries	<i>6</i>	<b>18,132</b>	-
		<hr/> <b>54,752</b> <hr/>	<hr/> - <hr/>
<b>Expenditure</b>			
Compensation paid (including payments 1 and 2 under the Early Payments Schemes)	<i>11</i>	-	-
Excess recoveries paid to claimants	<i>7</i>	-	-
Levies repaid	<i>3b,10</i>	-	-
Legal and professional fees	<i>3a</i>	<b>16,213</b>	20,236
Scheme Agent's costs	<i>3a</i>	<b>293,720</b>	88,695
Scheme Manager's costs	<i>3a,1,6</i>	<b>(6,000)</b>	1,796
Liquidator distribution write off		-	-
Printing, postage and sundries	<i>3a</i>	-	64
Audit fee	<i>3a</i>	<b>18,144</b>	17,303
Bank charges	<i>3a</i>	<b>183</b>	139
		<hr/> <b>322,260</b> <hr/>	<hr/> 128,233 <hr/>
<b>Net fund (expenditure) for the year</b>		<b>(267,508)</b>	(128,233)
Compensation fund deficit brought forward		<hr/> <b>(1,314,970)</b> <hr/>	<hr/> (1,186,737) <hr/>
<b>Compensation fund deficit carried forward</b>		<hr/> <b>(1,582,478)</b> <hr/>	<hr/> (1,314,970) <hr/>

The notes on pages 19 to 30 form part of these financial statements. There is no other comprehensive income or expenditure for the year other than that presented above. All operations are continuing.

# DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

## Balance sheet as at 31 March 2019

	<i>Note</i>	<b>2019</b> £	2018 £
<b>Current assets</b>			
Cash at bank	15	<b>1,032,429</b>	1,295,721
Sundry debtors	9	<b>98,206</b>	-
		<hr/>	<hr/>
		<b>1,130,635</b>	1,295,721
		<hr/>	<hr/>
<b>Current liabilities</b>			
Other creditors	8	<b>1,213,710</b>	1,111,288
Treasury funding	10,13	<b>1,499,403</b>	1,499,403
		<hr/>	<hr/>
		<b>2,713,113</b>	2,610,691
		<hr/>	<hr/>
<b>Net current liabilities</b>		<b><u>(1,582,478)</u></b>	<b><u>(1,314,970)</u></b>
<b>Represented by</b>			
Compensation fund deficit		<b><u>(1,582,478)</u></b>	<b><u>(1,314,970)</u></b>

These financial statements were approved by the Scheme Manager on **14 November 2019** and signed on its behalf by:

*Member*

*Member*

The notes on pages 19 to 30 form part of the financial statements.



## DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

### Statement of changes in equity for the year ended 31 March 2019

	<i>Note</i>	<b>2019</b> £	2018 £
Compensation fund deficit at 1 April		<b>(1,314,970)</b>	(1,186,737)
Net fund (expenditure) for the year		<b>(267,508)</b>	(128,233)
Compensation fund deficit at 31 March		<b>(1,582,478)</b>	(1,314,970)

The notes on pages 19 to 30 form part of the financial statements.

## DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

### Cash flow statement

for the year ended 31 March 2019

	<i>Note</i>	<b>2019</b> £	2018 £
<b>Cash flows from operating activities</b>			
Net fund (expenditure) for the year		<b>(304,127)</b>	(128,233)
Creditor reclassification	15	<b>51,177</b>	82,947
Increase/ (decrease) in other creditors	15	<b>51,244</b>	(33,427)
(Increase)/ decrease in debtors		<b>(61,586)</b>	3,208
<b>Net cash (outflows) from operating activities</b>		<b>(263,292)</b>	(75,505)
<b>Cash flows from financing activities</b>			
Repayment of Treasury funding		-	-
<b>Net cash outflow for the year</b>	13	<b>(263,292)</b>	(75,505)

The notes on pages 19 to 30 form part of the financial statements.

# DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

## Notes to the financial statements

*(forming part of the financial statements for the year ended 31 March 2019)*

### 1 **Basis of preparation**

These financial statements and related notes have been prepared under the historic cost convention and in accordance with UK Accounting Standards including Financial Reporting Standard 102: The Financial Reporting Standard applicable in the UK and Republic of Ireland ("FRS102"), to the extent that it does not conflict with the Accounts and Audit Regulations 2013 and the Audit Directions 2008, as required by the Audit Act 2006, and the Compensation of Depositors Regulations 2008 made under the Financial Services Act 2008.

### 2 **Constitution**

The Depositors' Compensation Scheme ("the Scheme" or "DCS") was constituted under the Financial Services Act 2008 on 17 June 2008 and is governed by the Compensation of Depositors Regulations 2008 ("the 2008 Regulations"). The Scheme was activated by declaration of an act of default by Kaupthing Singer & Friedlander (Isle of Man) Limited in liquidation ("KSF") on 27 May 2009.

On 23 October 2010 the 2008 Regulations were revoked and replaced by the Depositors' Compensation Scheme Regulations 2010 ("2010 Regulations") except that they shall continue to apply for the purposes of the Scheme established following the default of KSF in respect of which the Scheme Manager made a determination on 27 May 2009.

### 3 **Accounting policies**

The principal accounting policies are summarised below. They have all been applied consistently throughout the year and preceding year.

#### a *Interest receivable and expenditure incurred*

Interest receivable and expenditure incurred have been accounted for on an accruals basis. No interest is payable on levies, the Treasury funding, compensation paid or excess recoveries payable to claimants.

# DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

## Notes to the financial statements (continued)

*(forming part of the financial statements for the year ended 31 March 2019)*

### 3 Accounting policies (continued)

#### b *Levies*

- a. Levies receivable from Scheme Participants are credited to the income and expenditure account in the period in which they are levied.
- b. Levies repaid by the Scheme Manager are debited to the income and expenditure account in the period in which they are repaid.

#### c *Compensation payments to eligible protected depositors*

Compensation payments made to depositors are charged to the Income and Expenditure Account when agreed by the Scheme Manager. Compensation on claims agreed but not paid is charged to the Income and Expenditure Account in the period when the agreement is made. Interest is not accrued on compensation claims.

#### d *Excess recoveries payable to claimants*

Surplus dividends received by the Scheme in excess of the DCS compensation entitlement are paid to claimants in the year in which they are received.

#### e *Dividends received from Liquidator*

Dividends received from the Liquidator comprise distributions related to those KSF accounts that have been assigned directly to the Scheme and those KSF accounts that have been assigned to the Scheme as a result of claims under the Early Payment Schemes 1 and 2 ("EPS") which provided early payments by the Treasury of up to £10,000 per depositor. These distributions are accounted for on an accruals basis for dividends declared by the Liquidator as at the balance sheet date. However, dividends on assigned accounts are only recognised as income where claims have been agreed by the Scheme Manager.

#### f *Presentation currency*

The Scheme is denominated in British pounds ("GBP" or "£") and the financial statements adopt GBP as the presentation currency.

#### g *Translation of foreign currency*

Foreign currency transactions are translated into sterling at the rates of exchange ruling on the dates of the transactions. Monetary assets and liabilities denominated in foreign currencies at the balance sheet date are reported at the rates of exchange prevailing at the balance sheet date.

# DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

## Notes to the financial statements (continued)

*(forming part of the financial statements for the year ended 31 March 2019)*

### 3 Accounting policies (continued)

#### h *Going concern*

As at 31 March 2019, the Scheme is in a deficit (2018: deficit) position and has a net deficit of £1,582,478 (2018: £1,314,970). The Scheme has cash balances of £1,032,429 (2018: £1,295,721) (refer note 15). Whilst there is a current liability of £1,499,403 (2018: £1,499,403) in respect of the Treasury funding, ultimate repayment of this amount and any further return of levies to Scheme Participants, as detailed in regulation 16A of the Regulations, is at the discretion of the Scheme Manager, having regard to the sources of funding from which the compensation payments were made (see note 10).

The Treasury has also confirmed in writing that it will not seek to demand repayment of any funds which would render the Scheme unable to meet its obligations to creditors before at least December 2020.

The Scheme Manager therefore has a reasonable expectation that the Scheme has adequate resources to meet its ongoing costs and to continue in operational existence for the foreseeable future and, therefore, continues to adopt the going concern basis in preparing the annual report and financial statements.

#### i *Basic financial instruments*

##### *Financial assets and liabilities*

Financial assets and liabilities are recognised when the Scheme becomes a party to the contractual provisions of the instrument.

No financial assets or liabilities are offset in the statement of financial position.

Financial assets are derecognised only when the contractual rights to the cash flows from the financial asset expire or are settled.

Financial liabilities are derecognised only when the obligation specified in the contract is discharged, cancelled or expires.

# DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

Financial assets comprise:

Cash and cash equivalents which relate to cash balances and call deposits. Cash and cash equivalents are recognised at transaction prices.

Debtors are recognised at transaction prices less attributable transaction costs. No debtors are impaired as at the year-end date.

Financial liabilities comprise:

Creditors are recognised at transaction price plus attributable transaction costs. All creditors are on normal terms.

The Treasury funding which is recognised at transaction price plus attributable transaction costs. All terms and conditions on the loan funding have been met. Note that excess recoveries paid and levies repaid are only recognised as a liability when agreed by the Scheme Manager.

## 4 Levies

The Scheme Manager is permitted under section 6(3)(a) of the 2008 Regulations governing the Scheme to make successive annual levies on each Scheme Participant that was a participant at the date of default of another participant, to meet compensation costs of the Scheme as defined under paragraph 4 of the 2008 Regulations, which includes all associated operating costs, except for the total amount by which the compensation payable in respect of each claimant exceeds £20,000 which shall be paid by the Treasury as laid out in section 12A of the 2008 Regulations.

The annual levy, as defined in section 12 of the 2008 Regulations is equivalent to 0.125% of a Scheme participant's deposit liabilities at a date or dates specified by the Scheme Manager, subject to a maximum levy of £350,000 per annum.

The aggregate of all the amounts which may be levied on participants by the Scheme Manager throughout the life of the Scheme in respect of all defaults occurring on or after 23 October 2008 and before 23 October 2010 shall not exceed £200,000,000.

# **DEPOSITORS' COMPENSATION SCHEME**

(in relation to the Compensation of Depositors Regulation 2008)

## **Notes to the financial statements (continued)**

*(forming part of the financial statements for the year ended 31 March 2019)*

### **5 Taxation**

The Scheme is not subject to Income Tax and no relief is available for any expenditure.

### **6 Notes relating to income and expenditure in the period**

EPS IT & Administration resulting from operational costs due to the 30 October 2018 hearing relating to preparation for final dividend EPS administration have been recorded as recoverable from the Treasury. Please refer to note 12.

Scheme legal expense recoveries which were identified during the period have been recorded as other income.

A provision for Scheme Manager Costs relating to 2018 has been released to the expenditure account in 2019. The Scheme Manager did not raise fees in 2018 and has not raised fees for the 2019 period.

### **7 Dividends received from Liquidator**

The Liquidator has not declared any dividends in the year (2018: Nil in the £).

The Scheme was assigned all the rights associated with the eligible protected deposits for which KSF depositors made a claim under the Scheme.

The rights assigned to the Treasury arising from the payments made by the Isle of Man Government under Early Payments Schemes 1 and 2 have also been assigned to the Scheme (see note 10).

These rights include the right to receive dividends paid by the liquidator in respect of the assigned balances. As a result the DCS will be in receipt of dividends in excess of the compensation paid in a number of cases. Such excess recoveries are paid to claimants.

## DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

### Notes to the financial statements (continued)

*(forming part of the financial statements for the year ended 31 March 2019)*

#### 8 Other creditors

	2019 £	2018 £
Compensation agreed but not paid	606,199	555,022
Excess recoveries agreed but not paid	17,435	17,435
Dividends received from liquidator on assigned accounts where claims have either not been received or have not been agreed by the Scheme Manager	484,590	484,590
Trade payables	80,396	-
Accruals	25,090	54,241
	<hr/> 1,213,710	<hr/> 1,111,288

#### 9 Sundry debtors

	2019 £	2018 £
Recoverable VAT	61,586	-
Accrued income	36,620	-
Liquidator distribution receivable	-	-
	<hr/> 98,206	<hr/> -



# DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

## Notes to the financial statements (continued)

*(forming part of the financial statements for the year ended 31 March 2019)*

### 10 Treasury funding

The Treasury funding comprises of the following:

	2019 £	2018 £
EPS payments made in advance of the Scheme activation	<b>65,949,181</b>	65,949,181
Cash advance	<b>130,000,000</b>	130,000,000
Total funding	<b>195,949,181</b>	195,949,181
Cash repayments	<b>(194,449,778)</b>	(194,449,778)
Net funding	<b>1,499,403</b>	1,499,403

As laid out in S11 (2), of the Compensation of Depositors Regulations 2008 the funding for compensation payments to individuals of more than £20,000 but under £50,000 is provided by the Treasury. By resolution of Tynwald, funding that otherwise would have been provided by levies on Scheme participants over a period of years, was provided by the Treasury in advance.

Payments made by the Isle of Man Government under Early Payment Schemes 1 and 2 have been assigned to the Scheme and have been treated as if the funding had also been provided by way of a loan from the Treasury to the Scheme and the compensation payments made by the Scheme.

The funding given by Tynwald was not subject to any terms and conditions regarding its ultimate repayment and is therefore disclosed as a current liability. However, further repayments to the Treasury are dependent upon future distributions from the Liquidator.

Dividends received from the liquidator of KSF will be retained by the Scheme to the extent necessary to meet its obligations and operating expenses.

# DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

## Notes to the financial statements (continued)

*(forming part of the financial statements for the year ended 31 March 2019)*

### 10 Treasury funding (continued)

Although the Treasury funding is not subject to any terms and conditions, and the Treasury has stated it will not seek to demand repayment of any funds until at least December 2020, there is an expectation that amounts will be repaid as follows:

- Further dividends received after all other obligations of the Scheme have been met will be applied to repay the Treasury funding until such time as the advances made in respect of the Scheme Participants' levies ('the advances') have been repaid. Thereafter such recoveries will be shared between the Scheme Participants and the Treasury. These advances have now all been repaid.
- In accordance with regulation 16A of the Regulations, any surplus remaining, once the Treasury funding in relation to advances to Scheme Participants' levies has been repaid and all other obligations of the Scheme have been met, will be distributed between Scheme Participants and the Treasury on such a basis as appears to the Scheme Manager to be appropriate having regard to the sources of funding from which the compensation payments were made. Consultation has taken place between the Scheme Manager, Scheme Participants and the Treasury, preparatory to the Scheme Manager exercising its discretion.
- Post this consultation the Scheme Manager concluded that in the exercise of its discretion in accordance with Regulation 16A of the 2008 Regulations, it should base the apportionment of Compensation Expenses having regard to the obligations of the Treasury and Scheme Participants under regulations 12A and 12 respectively of the 2008 Regulations. As a result the Scheme Manager decided upon a basis for the apportionment of Compensation Expenses and Surplus Funds and communicated that basis to the Scheme Participants and the Treasury in September 2012.
- During the year the Scheme Manager returned levies to the Scheme Participants totalling £Nil (2018: £Nil) and repaid £Nil (2018: £Nil) to the Treasury.

# DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

## Notes to the financial statements (continued)

(forming part of the financial statements for the year ended 31 March 2019)

### 10 Treasury funding (continued)

Until the total dividend distribution received from the KSF liquidation is known, there is significant uncertainty in relation to the amount of the Treasury funding, currently shown as £1,499,403 in the financial statements as at 31 March 2019 (2018: £1,499,403), that will ultimately be repaid to the Treasury. There is also significant uncertainty in relation to the final surplus that may be distributable to the Scheme Participants. At this stage no formal final estimate of the net cost has been made by the Scheme Manager.

The Treasury has confirmed that they will not seek to recall their funding until such time as the Scheme is in a position to do so.

### 11 Compensation paid

The amount of compensation payable under the Scheme in respect of an eligible protected deposit, as laid out in section 11 (2) of the 2008 Regulations, is 100% of the eligible protected deposit, subject to the following limits:

- a. where the depositor is an individual beneficially entitled to the deposit, £50,000;
- b. in any other case, £20,000.

	2019 £	2018 £
Compensation paid under the DCS and EPS	-	-
Included in the total compensation paid are the following EPS payments:		
Paid by the Treasury under EPS for which no DCS claim has been made	-	-
Paid by the Treasury under EPS where DCS claims have been made and agreed by the Scheme Manager	-	-
Total EPS paid	-	-

# DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

## Notes to the financial statements (continued)

*(forming part of the financial statements for the year ended 31 March 2019)*

### 11 Compensation paid (continued)

The re-allocation of EPS payments results from the completion of additional compensation claims during the year where such claims had previously not been adjudicated or where compensation claims had not yet been made.

Certain conditions exist where joint accounts have been assigned to the Scheme Manager in full, and where the joint holders have not claimed for compensation. In a number of cases, the account holders will have been in receipt of EPS payments. Where the Scheme Manager has received dividends from the liquidator in respect of those accounts where claims have not been made, provision for paying the balance of receipts above the amount of EPS paid (and which is properly recoverable by the Scheme Manager) has been made (see note 8).

### 12 KSF Surplus Assets

On 16 June 2017 the High Court of Justice of the Isle of Man ruled that the surplus assets that remain in the liquidation of Kaupthing Singer & Friedlander (Isle of Man) Limited ("KSF") should be distributed at the statutory rate of interest of 4% per annum calculated for the whole period from 9 October 2008 until the date of distribution and then divided pro rata to unsecured creditors.

As a result of this judgement the Scheme is expected to receive further distributions from the Liquidator of Kaupthing Singer & Friedlander (Isle of Man) Limited in respect of assigned account balances for payment.

On the 30 October 2018 directions were made by the Isle of Man Court that the liquidator of KSF will pay Statutory and/or Deferred Interest due to Depositors who claimed in the DCS and/or the EPS.

### 13 Analysis and reconciliation of net debt

	Net debt at 31 March 2018	Cash flow in year	Net debt at 31 March 2019
Cash at bank (note 15)	1,295,721	(263,292)	1,032,429
Treasury funding	(1,499,403)	-	(1,499,403)
<b>Net funds/(debt)</b>	<b>(203,682)</b>	<b>(263,292)</b>	<b>(466,974)</b>

# DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

## notes to the financial statements (continued)

(forming part of the financial statements for the year ended 31 March 2019)

### 13 Analysis and reconciliation of net debt (continued)

<b>Reconciliation of net cash flow movement in net debt</b>	<b>2019</b>
	<b>£</b>
Decrease in cash in year	(263,292)
	<hr/>
<b>Movement in net debt</b>	<b>(263,292)</b>
<b>Net debt at 1 April 2018</b>	<b>(203,682)</b>
	<hr/>
<b>Net debt at 31 March 2019</b>	<b>(466,974)</b>

### 14 Related Parties

The Authority in its role as Scheme Manager and the Treasury are both considered to be related parties of the Scheme, as the Authority is an Independent Statutory Body overseen by the Treasury, and the Treasury is a department of the Isle of Man Government. The transactions relating to these parties are disclosed throughout these financial statements. Refer to note 10 in respect of the Treasury funding and the Comprehensive Income and Expenditure Account in respect of Scheme Manager fees for the current and prior years.

### 15 Cash at bank

Cash at bank of £1,032,429 (2018: £1,295,721) as at 31 March 2019 is shown net of £102,180 (2018: £153,357) relating to unpresented cheques. These unpresented cheques are in respect of compensation and surplus payments made to claimants and include such payments made throughout the period of the Scheme from inception. At the current year end £51,177 (2018: £82,947) of unpresented cheques have been reclassified to compensation agreed but not paid (note 8) as the counterparty had cheques outstanding for over the statutory proof period of 6 years. This has resulted in cash presented in the balance sheet being £51,177 higher than it would have otherwise been, with scheme creditors being higher by the same amount.

# **DEPOSITORS' COMPENSATION SCHEME**

(in relation to the Compensation of Depositors Regulation 2008)

## **Notes to the financial statements (continued)**

*(forming part of the financial statements for the year ended 31 March 2019)*

### **16 Critical accounting judgments**

The Scheme Manager has not applied any significant judgments in applying the Scheme's accounting policies. Note 10 sets out a detailed statement of the Treasury funding and the significant uncertainty relating to the circumstances under which repayment might not take place. The Scheme Manager continues to report the full value of the funding liability until such time as the significant uncertainty is removed.

### **17 Post balance sheet events and contingent liabilities**

No KSF liquidation dividends have been received since the year end, and up to the date of signing the financial statements.

# DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

## Appendix A

### **Scheme Participants**

The Scheme participants in the Depositors' Compensation Scheme during the year ended 31 March 2019, in relation to the default of Kaupthing Singer & Friedlander (Isle of Man) Limited under the 2008 Regulations, were as follows:

#### *Current class 1 licenceholders (who were participants)*

Barclays Bank PLC

Cayman National Bank (Isle of Man) Limited *(formerly Cayman National Bank & Trust Company (Isle of Man) Limited)*

Conister Bank Limited

HSBC Bank plc

Lloyds Bank International Limited *(formerly Lloyds TSB Offshore Limited)*

Nedbank Private Wealth Limited *(formerly Fairbairn Private Bank (IOM) Limited)*

Standard Bank Isle of Man Limited

The Royal Bank of Scotland International Limited

# DEPOSITORS' COMPENSATION SCHEME

(in relation to the Compensation of Depositors Regulation 2008)

## Appendix A (continued)

### Former class 1 licenceholders (who were participants)

AIB Bank (CI) Limited (**licence surrendered on 29 November 2013**)

AIB International Savings Limited (formerly Anglo Irish Bank Corporation (International) PLC (**licence surrendered on 30 June 2013**))

Alliance & Leicester International Limited (**licence surrendered on 7 May 2013**)

Bank of Ireland (I.O.M.) Limited (**licence surrendered on 2 June 2015**)

Bank of Scotland International Limited (**licence surrendered on 1 January 2010**)

Bank of Scotland plc (**licence surrendered on 30 November 2018**)

Barclays Private Clients International Limited (**licence surrendered on 19 December 2016**)

Barclays Private Bank & Trust (Isle of Man) Limited (**Class 1 licence surrendered on 30 September 2015**)

BNP Paribas Securities Services SCA (formerly BNP Paribas Securities Services S.A.) (**licence surrendered on 20 June 2015**)

Bradford & Bingley International Limited (**licence surrendered on 5 August 2011**)

Britannia International Limited (**licence surrendered on 31 March 2015**)

Coutts & Co (Manx) Limited (formerly RBS Coutts Bank (Manx) Limited) (**ceased to be a participant in the Scheme under the 2010 Regulations from March 2011, licence surrendered on 31 March 2016**)

Duncan Lawrie (IOM) Limited (**Class 1 licence surrendered on 31 July 2017**)

Habib European Bank Limited (**licence surrendered on 31 July 2016**)

HSBC Bank International Limited (**licence surrendered on 31 December 2012**)

Irish Permanent (IOM) Limited (**licence surrendered on 30 November 2010**)

Isle of Man Bank Limited (**licence surrendered on 28 June 2019**)

Kleinwort Benson Bank (Isle of Man) Limited (formerly Close Bank (Isle of Man) Limited) (**licence surrendered on 23 January 2016**)

Nationwide International Limited (**licence surrendered on 28 February 2015**)

NatWest Markets Plc (formerly The Royal Bank of Scotland plc) (**licence surrendered on 1 May 2019**)

Permanent Bank International Limited (formerly Irish Nationwide (I.O.M.) Limited) (**licence surrendered on 15 December 2017**)

Zurich Bank International Limited (**licence surrendered on 30 April 2017**)

The obligations of participants at the time of the default of KSF under the 2008 Regulations continue until the conclusion of the Scheme in relation to this default, irrespective of whether they continue as participants under the 2010 Regulations or as continuing licence holders.