

## THE INVESTOR COMPENSATION COMPANY DAC

**ANNUAL REPORT** 

YEAR ENDED 31 JULY 2024

### MISSION STATEMENT

The Investor Compensation Company DAC aims to operate a financially sound scheme so that it is able to pay, in a prompt manner, statutory levels of compensation to eligible clients of failed investment firms.

### In doing this, we will:

- Ensure that claims for compensation are dealt with promptly.
- Operate a cost effective method for the collection of levies which is fair to all investment firms.
- Maintain an open and positive relationship with the participant firms and claimants with whom we deal.

### In fulfilling our mission we are guided by the following values:

- We take seriously our responsibility to the Investor Compensation Scheme's claimants and participant firms.
- We work in a consultative and co-operative manner with our participant firms, with the Central Bank of Ireland and with the Department of Finance.
- We operate with integrity and transparency.
- We work efficiently and effectively.

THE

**INVESTOR** 

**COMPENSATION** 

**COMPANY** 

DAC

**ANNUAL REPORT** 

YEAR ENDED

31 JULY 2024

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### **COMPANY INFORMATION**

Secretary

Michael Fagan

**Registered Office** 

Central Bank of Ireland,

North Wall Quay,

Dublin 1, D01 F7X3.

**Auditor** 

RBK Business Advisers,

Chartered Accountants & Statutory Audit Firm,

Termini, 3 Arkle Road, Sandyford, Dublin, D18 C9C5.

Bankers

Bank of Ireland,

2 College Green,

Dublin 2, D02 VR66.

**Solicitors** 

William Fry Solicitors,

2 Grand Canal Square,

Grand Canal Dock,

Dublin 2, D02 A342.

Beauchamps,

Riverside 2,

Sir John Rogerson's Quay,

Dublin 2, D02 KV60.

Registered No 293240

### THE BOARD OF DIRECTORS

All members serve as non-executive directors

### Jane Marshall (Chairperson)

Appointed chairperson on 1 June 2018, Jane was a solicitor and formerly a partner with McCann FitzGerald Solicitors, where she specialised in the areas of restructuring, insolvency and associated litigation.

She is an Adjunct Professor of Law at University College Cork.

### Mary Burke (Deputy Chairperson)

Appointed to the Board on 9 September 2024, Mary previously worked at the Central Bank of Ireland where she held various positions management senior services across financial supervision and regulation, including Head of Division in Exchanges & Securities Supervision, Banking Supervision, Prudential Policy, Financial Risk & Governance Policy and Governance & Operational Resilience. She is a member of the Association of Chartered Certified Accountants (ACCA).

### Angela Black

Appointed to the Board on 25 March BSc(I.T) Angela MLIS. 2024. previously held the position of Chief Executive of Citizens Information Board. She is qualified in banking risk. Public service highlights include banking policy, consumer, SME and mortgage credit, mortgage arrears investment legal and instruments. Represented Ireland as negotiator of EU Financial Services initiatives. Seconded to Brussels as Detached National Expert on credit. investment advice and distance marketing of financial services for the European Commission.

Chaired EP negotiations on the Mortgage Credit Directive during Ireland's EU Presidency.

Currently Director of the Social Finance Foundation, she served until recently on Boards of the Irish Banking Culture Board and the Legal Services Regulatory Authority.

### Róisín Clarke

Appointed to the Board on 1 August 2020. Róisín is from Galway, (Connemara Gaeltacht). She left her position as a Secondary School teacher and worked for 12 years with an International Humanitarian organisation. On her return to Ireland in 1991 she began working in a Life Assurance & Pensions Broker office, in Dublin. She set up her own Financial Broker company -Róisín Clarke & Co Limited - also in Dublin, in 2003 and continues in that position to date. Róisín is an Accredited Mediator and also held the role of Chairman of the Professional Insurance Broker Association (PIBA) from 2016 to 2017.

### Michael D'Arcy

Appointed to the Board on 28 March 2022, Michael is the CEO of the Irish Association of Investment Managers since October 2020. He had previously been a member of the Oireachtas from 2007. He served on a number of committees including Finance and Public Accounts, and was appointed to the statutory Banking Inquiry which investigated the collapse of the Irish banking sector prior to 2008. In 2017, he was appointed Minister of State at the Department of Finance with responsibility for Financial Services and Insurance. He chaired both the Government's Industry Advisory Committee and Level Implementation High Committee.

### Patricia Fitzgerald

Appointed to the Board on 7 September 2020, Patricia (MBSc, BEd) is safefood's Director of with Operations Corporate responsibility for accounting and finance, resource management, IT and corporate governance. A fellow of Accountants Ireland. Chartered Patricia has over twenty-five years' experience in a variety of diverse commercial and public sector organisations including the Central Bank of Ireland, the Investor Compensation Company DAC, eBizz Consulting, CEVA and the Lafferty Group. She holds a Bachelor of Education and has also completed a Masters in Corporate Leadership and her other areas of interest include change management, negotiation and leadership skills.

### THE BOARD OF DIRECTORS (CONTINUED)

All members serve as non-executive directors

### **Carmel Foley**

Appointed to the Board on 1 August 2020, Carmel (M.Sc. (Mgmt.) TCD) is a former Director of Consumer Affairs. Previously Commissioner, GSOC and Chief Executive, Employment Equality Agency and Council for the Status of Women. Served in the Departments of Foreign Affairs and Finance (Banking Division). appointments Non-executive included Strategic Banking Corporation of Ireland, Society Complaints Committee, Personal Injuries Assessment Board, Safefood and Bord na Móna. Currently member of the Audit and Risk Committee of the Competition and Consumer Protection Commission.

### **Niall Gibney**

Appointed to the Board on 20 May 2024. Niall is a senior executive at Euronext in Dublin focused on commercial engagement with a range of equity capital markets participants including global investment banks, local & international brokers and buyside firms. In his role he has responsibility for managing strategic client engagement for the Irish and also other Group equity markets, including trading and post-trade aspects. Prior to joining the stock exchange his previous roles included financial services audit (EY), group finance within a large cap corporate issuer (CRH plc) and also M&A/IPO advisory & due diligence (KPMG). Niall (BComm, UCD; MAcc, UCD Smurfit) is a fellow of Chartered Accountants Ireland and has also completed a Diploma in Corporate Governance.

### **Caroline Gill**

Appointed to the Board on 7 September 2020, Caroline (BL, B.A., MSc, Dip Corporate Governance, Dip Applied Employment Law) is a Barrister and Accredited Mediator, a Fellow of the Institute of Personnel and Development, a member of the Chartered Institute of Arbitrators and of the Employment Bar Association of Ireland. She has worked as an employment consultant for a number public and private sector organisations, as well as sitting on the boards of the Pyrite Remediation Scheme, the Luas, the Irish Stock Exchange, the Mater Dei Institute (DCU) and the Food Safety Authority of Ireland. She also sits on the board of St. Patrick's Hospital and the CPD

### Michael Kilcoyne

Appointed to the Board on 15 May 2023, Michael is currently chairman of the Consumers' Association of Ireland. An elected member of Mayo County Council for the past 15 years and an elected member of the former Castlebar Town Council for 15 years.

Former Industrial Official of SIPTU and prior to that Branch Secretary of the Irish Transport and General Workers Union Mayo. Attended Sancta Maria Secondary School in Louisburgh, Co Mayo and Andover Institute of Business in Boston. Michael also studied at the Michael Smurfit Business School UCD.

### **Eoin Motherway**

Appointed to the Board on 25 March 2024, Eoin is a multidisciplinary Independent Non-Executive Director serving on Central Bank of Ireland regulated structures, the Western Development Commission, chairing its Investment Committee and Fintech & RegTech firms servicing the funds industry. With 30 years across financial services, he was latterly the Ireland Country Head at The Asset Management Exchange (AMX), and has held senior roles at BNY Mellon, State Street & Goldman Sachs. He is a Fellow of the Institute of Chartered Accountants and a Certified Investment Funds Director.

### **Ann Smith**

Appointed to the Board on 22 October 2018. Ann is a fellow of Chartered Accountants Ireland. She is Director Corporate Services with Banking & Payments Federation Ireland, with responsibility for finance, corporate governance, HR, facilities and IT. She has over 30 years' experience in financial services and membership on the Finance bodies. sits Committee of Accounting Technicians Ireland and acts as Company Secretary for four companies.

### CHAIRPERSON'S STATEMENT



Jane Marshall

Chairperson

### **OVERVIEW**

There were no new compensation cases arising during the past year. In the principal current case (BlackBee Investments), all clients of the firm were invited to submit claims, and the certification of received claims by the Joint Administrators is awaited.

The Company continued to build its reserves in line with targets set out in the latest Funding programme. This expansion of the ICCL's resources to meet potential compensation liabilities relies on the steadfast support of the investment firms that are affiliated to the Compensation Scheme.

A new Strategic Plan covering the years 2024-28 was devised and approved. This seeks to ensure the delivery of the Company's Mission in the period ahead and prioritises improvements in the key areas of claims handling capability and funding sustainability.

### **COMPENSATION CASES**

### BlackBee Investments Limited (BBIL)

On the appointment by the High Court on 19 May 2023 (following an application by the Central Bank) as Joint Official Liquidators of BBIL, Mr Luke Charleton and Mr Colin Farquharson of EY, were confirmed as joint Administrators to the firm. The Administrators are responsible for certifying compensatable losses for clients, should these

I am pleased to present the Annual Report of The Investor Compensation Company DAC (the "Company/ICCL") for the year ended 31 July 2024.

arise. Investigations into the firm's affairs are continuing and it remains unclear if such losses will materialise.

In the past year, the ICCL invited all confirmed clients of the firm to submit claims for compensation. After initial validation by the ICCL, all claims received have been sent to the Joint Administrators for certification, in accordance with investor compensation legislation. The certification of claims relies on the reconciliation of client assets by the Joint Liquidators, which is in progress. The commencement of claims certifications is not envisaged until towards the end of this year at the earliest.

The ICCL is continuing to engage with the Administrators to ensure that the certification process can be conducted as expeditiously as possible.

### Custom House Capital Limited (CHC)

The CHC case was largest compensation event dealt with by the Scheme since inception, with aggregate compensatable losses of investors of €11.9 million certified by the Administrator, Mr Kieran Wallace. Over 97 per cent of this amount has been paid out to claimants, with the balance of €350,000 being attributable to uncontactable clients or clients who have yet to submit outstanding statutory declarations. The certification of claims by the Administrator is now effectively concluded.

### Money Markets International Stockbrokers Limited (MMI)

The liquidation of MMI, which dates from March 1999, remains ongoing. The ICCL has paid €0.8m in compensation to eligible clients of the firm, the most recent payment being made in 2008. There

are applications from the Liquidator/Administrator Mr Tom Kavanagh, before the High Court, regarding a number of matters. It is unknown if the outcome of these applications will result in further additional compensation liabilities for the ICCL.

Further information on claims processing is contained in the Operations Report (page 10).

### **FUNDING**

The ICCL is required to maintain sufficient financial resources to settle compensation liabilities arising from the default of investment firms, as well as meeting the operational costs of administering the Scheme. Reserves are derived from levies paid annually by the Scheme's member firms. At the end of the reporting period, reserves stood at €103 million. When existing bespoke insurance policies are applied, the ICCL now has capacity to discharge claims of up to €225 million.

The Scheme's funding capability is assessed on an ongoing basis by the Board, assisted by the Funding Sub-Committee. Annual contributions (levies) payable by member investment firms are set at three-yearly intervals. During the year, a planned review of the Scheme's Risk Equalisation Rule was conducted, incorporating a consultation with participating firms. This resulted in some modifications to the rule being implemented.

### **MANAGEMENT AND OPERATIONS**

In late 2023, the Board agreed on the ICCL's strategic direction for the next five years to ensure that the Company's Mission is achieved. The strategy was developed following internal and external consultations, including engagement with our main stakeholders, the Central Bank of Ireland and the Department of Finance. There are five priority objectives set out in the plan, focussing on Claims Handling, Funding, Operational Efficiency, Governance and Stakeholder Engagement.

On behalf of the Board, I wish to express appreciation to the ICCL Executive, overseen by COO Michael Fagan, for their sustained efforts throughout the course of another busy year. Their dedication and proficiency contributed to the ICCL's core operations being accomplished, thereby fulfilling its statutory remit.

I am grateful to Governor Makhlouf, and to other Central Bank colleagues, with whom the ICCL engages, for their continued assistance in enabling the Company to discharge its responsibilities effectively. I also wish to thank our other stakeholders, particularly the Department of Finance, for their support.

### **GOVERNANCE AND BOARD**

The ICCL is committed to implementing best practice governance arrangements. In that context, there are comprehensive policies and procedures in place across all activities including risk management, compliance with which is overseen by the Board and its two sub-committees – the Audit and Risk Committee and the Funding Committee. During the year, Terms of Reference for the Board and for both Committees were updated while a review of the Board's performance was undertaken by external consultants. Further details on our governance processes are set out in the Directors' Report.

The past year has seen a number of Director changes. Valerie Bowens and Siobhan Madden retired on the expiry of their terms of office in January, while Conor Miles resigned from the Board in April. I wish to record my thanks for their commitment to their role and their contributions to the ICCL at both Board and Committee level. Angela Black, Niall Gibney and Eoin Motherway joined the Board and I look forward to working with them in the years ahead.

Shortly after the financial year-end, George Treacy retired as Deputy Chair of the ICCL. Over many years, George's knowledge and experience of the financial services sector has been invaluable to the Company. I am very appreciative for his advice and support to myself, the Board and the Executive.

I welcome Mary Burke to the Board following her appointment as Deputy Chair by Governor Makhlouf.

I am obliged to my fellow Directors for the time, expertise and commitment which they bring to the business of the Board and its committees.

18 November 2024

### **OPERATIONS REPORT**



Michael Fagan
Chief Operations Officer

### Overview

The claims process in respect of BlackBee Investments Limited (BBIL), the main compensation case currently ongoing, was advanced during the past year. All confirmed clients of the firm (which number more than 2,050) were invited to submit claims to the ICCL. In the event, over 1,400 claims were received. Initial validation of all submitted claims was completed and the claims were forwarded to the Joint Administrators for certification. It is unknown at this time whether compensatable losses have arisen. The status of claims will be determined at the conclusion of investigations into the firm by the Joint Liquidators.

At the end of the reporting period, the Company's reserves stood at €103.0 million (2023: €97.7 million) at which time 2,840 authorised investment firms were affiliated to the Scheme (2023: 2,953).

### FINANCIAL SUMMARY

The ICCL recorded a surplus of €5.3 million for the year-ended 31 July 2024, a decrease of €4.3 million on the previous year. This reduction was primarily attributable to a reduction in levy income of €6.6 million due to the absence of risk equalisation levy receipts (which had arisen in the prior year), the impact of which was partially offset by a rise of €1.8 million in investment income. Total expenditure was €2.4 million, a decrease of €535,000 on 2023, due mainly to lower compensation-related costs. At the end of the period, net assets (or Compensation Funds retained) amounted to €103.0 million (2023: €97.7 million)). Further details are contained in the accompanying Financial Statements.

### **CLAIMS**

### BlackBee Investments Limited (BBIL)

The Compensation Scheme was activated in May 2023, following the appointment by the High Court of Mr Luke Charleton and Mr Colin Farquharson of EY as Joint Official Liquidators/Administrators of BBIL. (The Central Bank had applied to the Court for their appointment.) BBIL is a MiFID investment firm which provided regulated investment business services to over 2,050 clients. During the year, the ICCL issued invitations to all clients of the firm to submit a claim for compensation, in accordance with statutory provisions. Over 1,400 claim forms were submitted by clients, which were validated and forwarded to the Joint Administrators for certification. Mr Colin Farquharson has retired from his role as Joint Official Liquidator or BBIL and has been replaced by Mr Alan Large of EY as Joint Official Liquidator.

It is unclear at this juncture if compensatable losses have been incurred by BBIL clients as a result of the default of the firm. This will not be determined until the conclusion of investigations into the affairs of the firm currently being carried out by the Joint Liquidators, the timeline for which is unknown. It is expected that the certification of claims will not begin until later this year. The ICCL are continuing to engage with the Liquidators to ensure that all compensation-related activities are progressed. Updates will be posted on our website as they become available.

### Custom House Capital (CHC)

The certification of CHC claims by the Administrator (Mr Kieran Wallace) was largely completed in 2023, with a small number of claims dealt with last year or are still outstanding. In aggregate, total compensation of almost €11.9 million has been certified in respect of 2,340 claimants. The ICCL paid out over 97 per cent of this amount to the clients concerned. The balance involved, amounting to €350,000 relate to claimants that have proven to be uncontactable or those who have failed to submit required statutory declarations. We continue to seek to finalise the processing of these remaining claims.

### Money Markets International Stockbrokers Limited (MMI)

This liquidation is ongoing since 1999, with a number of issues awaiting determination by the High Court, including whether the Liquidator (Mr Tom Kavanagh) can recover his fees and costs from the residual client assets. It has yet to be determined if additional compensation liabilities will arise for the ICCL.

### **FUNDING**

Under investor compensation legislation, the ICCL is required to retain sufficient financial resources to meet all compensation amounts payable to eligible clients of insolvent investment firms. Accordingly, the Company has accrued reserves sourced largely from levies received annually from investment firms affiliated to the Scheme. There are two distinct compensation funds maintained: Fund A for large investment firms including banks, investment managers, stockbrokers and MiFID firms, and Fund B, which covers other firms such as retail investment and insurance intermediaries. Levies are set at three-yearly intervals based on funding targets following consultation with relevant stakeholders, including the Central Bank and member investment firms.

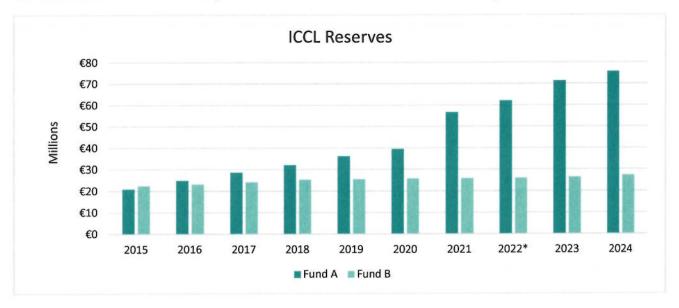
Income from levies paid in this financial year by investment firms participating in the Scheme amounted to  $\in$ 4.9 million, a decline of  $\in$ 6.5 million on the previous year. (The 2023 outcome included significant risk equalisation levies received which did not recur this year.) At the end of the reporting period, the balances on Fund A and Fund B were  $\in$ 75.7 million and  $\in$ 27.3 million respectively.

A final collection rate of 99.7 per cent was attained, in line with previous years.

The Company's core reserves are supplemented by bespoke insurance policies underwritten by Lloyds Brussels Insurance Company S.A. Under the policies, funding of up to €150 million (Fund A) and €10 million (Fund B) are available, in accordance with contractual provisions. The ICCL now has the resources to meet compensation claims of up to €225 million that may arise from a default of a Fund A firm, with a corresponding amount of €37 million for a Fund B firm.

The funding requirements, including proposed annual levies from participating firms, are set at three-yearly intervals, to facilitate planning by members. This process incorporates consultation with stakeholders including all investment firms. The latest Funding Arrangements (available on our website), covering the period 2023-25 incorporate an aggregate funding target of €250 million by the end of the cycle. The level of funding, including the composition of sources, is regularly reviewed by the Funding Committee and by the Board. During the year, the Risk Equalisation Rule was reviewed and a number of changes implemented. A review of the Company's overall funding requirements has commenced.

The table below shows the development of core reserves for both funds over the past decade.



FUND A
\* Release of CHC Claims Compensation Provision

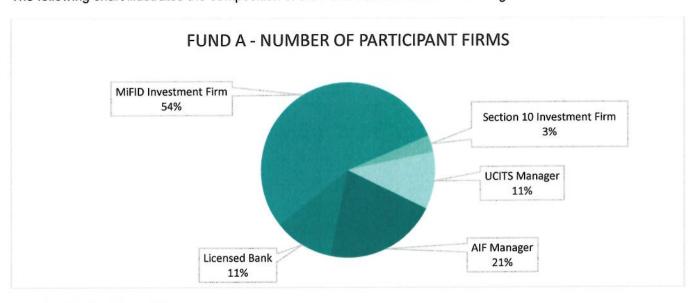
### **MEMBERSHIP**

At 31 July 2024, there were 2,840 investment firms participating in the Scheme (2023: 2,953), consisting of 162 firms in Fund A (2023: 168) and 2,678 in Fund B (2023: 2,785). Further details of the membership of the respective Funds are provided below.

### FUND A

This Fund covers the eligible clients of large investment firms that offer a range of services to retail investors, including the execution of client orders of financial instruments and the management of clients' investment portfolios.

The following chart illustrates the composition of the Fund between the different segments in the market.

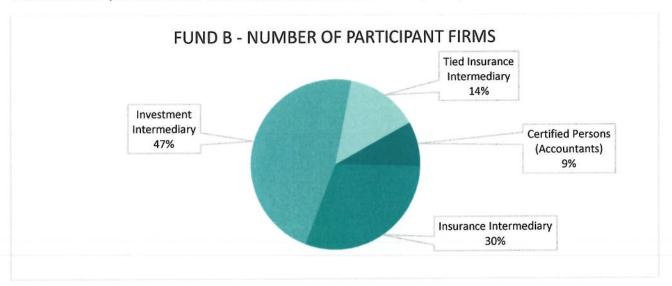


Total Contributing Firms: 162

### FUND B

Fund B has been designed to cater for smaller investment firms that provide a more limited range of services to the investing public. These firms primarily act as intermediaries, i.e. receiving orders from clients for onward transmission to generally larger institutions such as banks, insurance companies, asset managers and stockbrokers. The category includes investment intermediaries, insurance intermediaries, tied insurance agents and certified persons (member firms of Approved Professional Bodies (APBs) that have been authorised to provide certain investment business services).

The chart below provides further details of the composition of Fund B participants.



Total Contributing Firms: 2,678

### **INVESTMENTS**

Under the Act, the ICCL may invest reserves in deposits or in securities in which trustees are authorised by law to invest trust funds. Investment activities are administered in accordance with a policy which has been authorised by the Board and approved by the Central Bank. The policy was reviewed during the year.

The Company has benefitted from the availability of higher interest rates over the reporting period, with aggregate income earned from the portfolio exceeding total operating costs.

### RISK MANAGEMENT

Within the ICCL, the risk management process is formalised to ensure that comprehensive control systems are in place across the Company's activities, accompanied by appropriate oversight provisions. The Company avails of internal audit services provided by the Central Bank's Internal Audit Division. During the year, there was further investment in the IT security infrastructure as well as the appointment of a Chief Information Security Officer.

### STRATEGIC PLAN

A new Strategic Plan covering the five years to 2028 was formulated and approved by the Board. This seeks to guide the Company in pursuit of its mandate of maintaining and administering the statutory compensation scheme for retail clients of investment firms across that horizon. When outlining priorities for the period ahead, an holistic approach has been adopted, encompassing the following goals:

- (1) To develop the capability/capacity to oversee and handle compensation events for all investment firms regardless of size
- (2) To implement sustainable funding models which take into account relevant market developments.
- (3) To develop and improve our operational processes
- (4) To uphold high standards of corporate governance and financial controls
- (5) To maintain constructive engagement with stakeholders on matters pertaining to our remit.

### **OTHER ACTIVITIES**

The Central Bank, as supervisory authority for investor compensation, is a key stakeholder for the ICCL. There was ongoing engagement with the Bank across a range of policy areas impacting on the Company and the general investment firm sector. There were also consultations with the Department of Finance, including on legislative issues relating to the Scheme.

The ICCL is affiliated to the European Federation of Deposit Insurers (EFDI), the representative body for Deposit Guarantee Schemes and Investor Compensation Schemes across Europe. The Company plays a prominent role in the activities of the EFDI's Investor Compensation Working Group.

### **ADMINISTRATION**

The ICCL's Executive staff are seconded from the Central Bank and the Company also avails of administrative and other support services provided by the Bank. The cost of these services, including staff remuneration, is discharged from the resources of the Company. Following a review of organisational requirements, the approved staff complement was increased by one to 9 FTE. For the year ended 31 July 2024, average staff numbers were 8.2 FTE (2023 8.2).

I am very grateful to my colleagues on the Executive for who through their steadfast commitment and flexibility across the year, thereby ensuring that the Company's operations were conducted effectively.

I wish to thank the Board of Directors, particularly the Chair, Jane Marshall and the outgoing Deputy Chair, George Treacy, for their advice and support over the past year.

18 November 2024

### REPORT OF THE DIRECTORS

### INTRODUCTION

The Directors are pleased to submit to the Annual General Meeting of The Investor Compensation Company DAC the audited financial statements for the year ended 31 July 2024, together with the Report of the Directors, which has been prepared pursuant to the provisions of section 325 of the Companies Act 2014.

### PRINCIPAL ACTIVITIES

The principal activities of the Company are as follows:

- the establishment and maintenance of arrangements for the payment of compensation to clients of investment firms in accordance with the Investor Compensation Act, 1998 (as amended) (referred to hereafter as the "Act").
- the collection of levies from investment firms and the management of these funds out of which compensation and expenses are paid in accordance with the Act.

### **BUSINESS REVIEW**

A summary of the main developments during the period under review is provided in the Operations Report on pages 10 to 14.

### **FINANCIAL POSITION**

The assets, liabilities, and financial position of the Company are set out in detail in the financial statements on pages 28 to 44.

In accordance with the Constitution of the ICCL, no dividend is payable by the Company.

### **ACCOUNTING RECORDS**

To ensure that adequate accounting records are maintained in accordance with the requirements of sections 281 to 286 of the Companies Act, 2014, ICCL has employed an appropriately qualified Funding and Policy Manager and provides sufficient resources to the finance function. The accounting records are located at ICCL's registered office at North Wall Quay, Dublin 1, D01 F7X3.

### PROVISION OF RELEVANT AUDIT INFORMATION

In accordance with Section 330(1) of the Companies Act, 2014, the directors believe that they have taken all steps necessary to make themselves aware of any relevant audit information and have established that the Company's statutory auditor is aware of that information. Insofar as they are aware, there is no relevant audit information of which the Company's statutory auditor is unaware.

### **EVENTS AFTER THE END OF THE REPORTING PERIOD**

No material events have occurred after the reporting date that require disclosure in the financial statements.

### **POLITICAL CONTRIBUTIONS**

The Company made no political contributions which require disclosure under the Electoral Act, 1997.

### **CHARITABLE CONTRIBUTIONS**

During the financial year ended 31 July 2024, the ICCL introduced a policy to enable eligible clients of failed investment firms who did not wish to receive their statutory compensation payment directly, to elect to have their statutory compensation payment made to a charity selected by the ICCL. Payments totalling €470 on behalf of 16 eligible clients were made during the financial year ended 31 July 2024 to the Ronald McDonald House Charities (IRL) with the Registered Charity Number (RCN 20037000).

### **AUDITORS**

The auditor, RBK Business Advisors, continues in office in accordance with Section 383 (2) of the Companies Act 2014.

### ASSESSMENT OF PRINCIPAL RISKS

The Board of the ICCL (the 'Board') has identified a range of key risks and uncertainties facing the Company including:

**Economic:** adverse developments in both the domestic and international economy which would affect the stability of markets and investment firms covered by the Compensation Scheme. This includes uncertain short to medium term effects on the Irish economy and financial services firms.

Funding: insufficient funds maintained to discharge the Company's responsibility of paying compensation to eligible investors of failed investment firms;

Liquidity: temporary unavailability of resources to meet payment obligations;

Investment/Credit: default of deposit counterparties, deterioration of investment ratings;

**Compliance:** non-compliance with legislative and regulatory requirements arising from process failures or poor governance;

**Operational:** potential exposures arising in respect of ICT (cyber threats), Human Resources (loss of experienced personnel), and reliance on third party service providers;

**Reputational:** loss of good standing with stakeholders, including the public, owing to a risk or event materialising.

The Board analyses these risks and their potential impact on an ongoing basis and has a comprehensive framework in place for their management and control. Further details are contained in the following section on Governance.

### **GOVERNANCE**

#### BOARD

The Board of the ICCL is constituted in accordance with the provisions of the Act, as follows:

- The Governor of the Central Bank appoints the Chairperson and Deputy Chairperson;
- The Minister for Finance prescribes five bodies or persons deemed to represent the interests of retail investors for nomination as Directors;
- The Minister prescribes five bodies deemed to represent the financial services industry, each to nominate a Director.

Each Director serves for a term of three years, following which they are eligible for re-appointment for a further period.

The Central Bank of Ireland is the supervisory authority for investor compensation while also providing a range of administrative and support services to the Company, for which it is reimbursed. An annual review of the Company's operations, to include its relationship with the Central Bank of Ireland, takes place between the Governor and the Company's Chairperson.

### COMPLIANCE

The Board is responsible for the leadership and control of the Company, and for ensuring that the necessary financial and other resources are available for the Company to achieve its objectives. There is a formal schedule of matters specifically reserved to the Board for consideration and decision. This includes approval of strategic plans for the Company, matters relating to the maintenance of Compensation Funds and the approval of the annual financial statements. The roles of Chairperson and Chief Operations Officer are not combined. The Chairperson is responsible for organising the business of the Board, facilitating the effective contribution of all Directors, and ensuring that Directors receive accurate, timely and clear information. The Chief Operations Officer is responsible for the direction and control of the Company's business on a day-to day basis and is accountable to the Board for all authority delegated to executive management.

The Board is committed to maintaining the highest standards and supports the principles of corporate governance outlined in the *Code of Practice for the Governance of State Bodies* (the "Code of Practice") as issued in 2016 and updated from time to time. While not formally obliged to abide by the Code of Practice, the Directors confirm that the Company has complied throughout the accounting period with the main aspects that are appropriate to the ICCL.

### DIRECTORS' INDEPENDENCE

The Directors, in the furtherance of their duties, are given access to independent professional advice, as required, at the expense of the Company.

### INDUCTION AND TRAINING

On appointment, all new Directors are provided with an extensive induction and briefing on the Company and its operations, led by the Chairperson and the Chief Operations Officer. They are also advised of their obligations and duties as a director and provided with the ICCL's Code of Conduct, Data Protection policy and other relevant documentation. Training is arranged for Board members as required to facilitate the updating of their skills and knowledge necessary to fulfil their roles, both on the Board and its Committees.

### **BOARD COMMITTEES**

The Board has established two permanent Committees to assist in the execution of its responsibilities. These are the Audit and Risk Committee and the Funding Committee.

Each of these Committees have bespoke terms of reference, under which authority is delegated to them by the Board, and which are subject to annual review. Minutes of meetings are circulated to Committee members and the Chairperson of each Committee reports to the Board on all significant issues considered by the respective Committees.

THE AUDIT AND RISK COMMITTEE comprises five Board members. The role of the Audit and Risk Committee (ARC) is to support the Board in relation to its responsibilities for issues of risk, control and governance, and associated assurance. The ARC is independent from the financial management of the organisation. In that context, the Committee ensures that the internal control systems including audit activities are monitored actively and independently. The main functions of the Audit and Risk Committee are set out in its terms of reference and include:

- Monitoring the integrity of the financial statements;
- Reviewing the effectiveness of the Company's internal control and risk management processes;
- Overseeing compliance with legal and regulatory requirements;
- Overseeing the internal audit process including the agreed implementation of audit recommendations;

- Making recommendations to the Board in relation to the appointment, re-appointment and removal of the Company's external auditors including agreeing terms of engagement and remuneration;
- Facilitating arrangements for the collation and investigation of any matters which are the subject of confidential disclosures by staff.

During the year, the Committee oversaw the appointment of a Chief Information Security Officer, and, the continuing enhancement of the ICCL's information security posture.

The members of the Audit and Risk Committee during the year were: Ann Smith (Chairperson), Valerie Bowens (until January 2024), Caroline Gill, Conor Miles (until April 2024), Siobhán Madden (until January 2024) Angela Black (from March 2024) Eoin Motherway (from March 2024) and Niall Gibney (from May 2024).

THE FUNDING COMMITTEE comprises six Board members. The Funding Committee is required to assist the Board of the ICCL in fulfilling its role in overseeing the adequacy of funds maintained to meet the compensation liabilities of the Company. The main functions of the Funding Committee are set out in its terms of reference and include:

- Assisting the Board with the development of a comprehensive funding strategy and related policies with a view to maintaining an appropriate level of funds out of which payments shall be made in accordance with the Act;
- Evaluating the adequacy of funding plans and overseeing their implementation;
- Monitoring the collection of annual levies, including the proposed write-off of bad debts;
- Reviewing the estimates of compensation payable as provided by Administrators appointed to investment firms;
- Assisting the Board with the formulation of policies which affect the funding and operations of the Company.

During the year, the Committee oversaw the revision, via public consultation, of the Risk Equalisation Rule. A revised Risk Equalisation Rule was published and took effect from 1 April 2024.

The members of the Funding Committee during the year were: George Treacy (Chairperson), Róisín Clarke, Patricia Fitzgerald, Carmel Foley, Michael D'Arcy and Michael Kilcoyne.

### COMPOSITION OF THE BOARD AT 31 JULY 2024

Board Member	Role	Nominating Body	Date Appointed / Re- appointed
Jane Marshall	Chairperson	Governor of Central Bank of Ireland	1 June 2024
George Treacy	Deputy Chairperson	Governor of Central Bank of Ireland	7 September 2021
Ann Smith	Ordinary Member	Banking and Payments Federation Ireland	12 September 2022
Róisín Clarke	Ordinary Member	Brokers Ireland	11 September 2023
Michael D'Arcy	Ordinary Member	Irish Association of Investment Managers	11 September 2023
Patricia Fitzgerald	Ordinary Member	Chartered Accountants Ireland	20 November 2023
Carmel Foley	Ordinary Member	Competition and Consumer Protection Commission	11 September 2023
Caroline Gill	Ordinary Member	Minister for Finance	11 September 2023
Michael Kilcoyne	Ordinary Member	Consumers Association of Ireland	15 May 2023
Angela Black	Ordinary Member	Minister for Finance	25 March 2024
Eoin Motherway	Ordinary Member	Minister for Finance	25 March 2024
Niall Gibney	Ordinary Member	Irish Stock Exchange plc	20 May 2024

### DETAILS OF RETIREMENTS/RESIGNATIONS FROM THE BOARD DURING THE YEAR

Board Member	Role	Nominating Body	Date of retirement / resignation
Valerie Bowens	Ordinary Member	Minister for Finance	19 January 2024
Siobhan Madden	Ordinary Member	Minister for Finance	19 January 2024
Conor Miles	Ordinary Member	Irish Stock Exchange plc	12 April 2024

### DETAILS OF APPOINTMENTS AND REAPPOINTMENTS TO THE BOARD DURING THE YEAR

Director	Role	Nominating Body	Reason for vacancy	Date Appointed / Re-appointed
Carmel Foley	Ordinary Member	Competition and Consumer Protection Commission	Re-appointment	11 September 2023
Caroline Gill	<b>Ordinary Member</b>	Minister for Finance	Re-appointment	11 September 2023
Róisín Clarke	Ordinary Member	Brokers Ireland	Re-appointment	11 September 2023 11 September 2023
Michael D'Arcy	Ordinary Member	Irish Association of Investment Managers	Re-appointment	11 September 2023
Patricia Fitzgerald	Ordinary Member	Chartered Accountants Ireland	Re-appointment	20 November 2023
Angela Black	Ordinary Member	Minister for Finance	Appointment	25 March 2024
Eoin Motherway	Ordinary Member	Minister for Finance	Appointment	25 March 2024
Niall Gibney	Ordinary Member	Irish Stock Exchange plc	Appointment	20 May 2024
Jane Marshall	Chairperson	Governor of Central Bank of Ireland	Re-appointment	1 June 2024

### SCHEDULE OF ATTENDANCE, FEES AND EXPENSES

A schedule of attendance at the Board and Committee meetings for which members were eligible to attend during the financial year ended 31 July 2024 is set out below including the fees and expenses received by each member:

	Board	Audit & Risk Committee	Funding Committee	Fees 2024 €	Expenses 2024 €
Number of meetings	7	4	4		
Jane Marshall	7/7	-	-	31,500	
George Treacy	7/7		4/4	15,750	494
Valerie Bowens	3/4	2/2	-	5,772	-
Róisín Clarke	7/7		4/4	10,350	
Michael D'Arcy	2/7	-	1/4	10,350	-
Patricia Fitzgerald	5/6		3/4	10,350	518
Carmel Foley	6/7	-	4/4	10,350	-
Caroline Gill	6/7	4/4		10,350	8
Michael Kilcoyne	4/7	-	3/4	10,228	272
Siobhán Madden	4/4	1/2	-	5,772	25
Conor Miles	5/5	3/3	-	8,161	
Ann Smith	7/7	4/4	CY LETTER TO A STATE OF THE STA	10,350	
Angela Black	3/3	1/1	-	2,787	-
Eoin Motherway	3/3	1/1	MANUAL PROPERTY.	2,787	
Niall Gibney	2/2	1/1	-	1,261	-
I vian Cibricy		CHARLES AND AND ADDRESS.		€146,118	€1,317

The principle of One Person One Salary does not apply to the Company.

### TRAVEL AND SUBSISTENCE EXPENDITURE

Travel and subsistence expenditure is categorised as follows:

3 1011011	J.	2024	2023
		€	€
Domes	tic		
-	Board	937	717
-	Staff		-
Interna	tional		
-	Board	380	95
-	Staff	2,063	1,894
Total	3	3,380	2,706

### HOSPITALITY EXPENDITURE

The Income and Expenditure Account includes the following hospitality expenditure:

		2024	2023
		€	€
Hospita	ality		
-	Staff	494	682
_	Board	3,875	2,454
	Clients		2.
Total		4,369	3,136

The ICCL does not engage in client hospitality. The above amounts do not include expenditure on refreshments / hospitality associated with business operations such as conference hosting, events and meetings.

### PERFORMANCE EVALUATION

In line with the Code of Practice guidance, the Board and its Committees complete annual performance reviews. During the period under review, an expert led, external review was initiated with the outcome to be considered by the Board during the financial year ending 31 July 2025. Any recommendations arising from this evaluation as deemed appropriate, will be implemented as part of the annual workplan.

### INTERNAL CONTROL

A Statement on Internal Control has been included in this Annual Report on pages 22 to 23 and should be read in conjunction with the Directors' Report.

### PROTECTED DISCLOSURES REPORT

Section 22 of the Protected Disclosures Act 2014 requires the publication of a report each year relating to the number of protected disclosures made in the preceding year and also for the publication of information with regard to any actions taken in response to protected disclosures made.

No protected disclosures were received by The Investor Compensation Company DAC in the year ended 31 July 2024.

### **COMPANY SECRETARY**

The appointment and removal of the Company Secretary is a matter for the Board. All Directors have access to the advice and services of the Company Secretary who is responsible to the Board for ensuring that Board procedures are complied with.

### DIRECTORS AND TRANSACTIONS INVOLVING DIRECTORS

The Directors of the Company are listed on page 19. All Directors serve in a non-executive capacity.

There were no contracts in relation to the business of the Company in which the Directors had any interest at any time during the year ended 31 July 2024.

Signed on behalf of the Board:

DIRECTOR

Patricia Eizgerald

DIRECTOR

18 November 2024

### STATEMENT ON INTERNAL CONTROL

### SCOPE OF RESPONSIBILITY

On behalf of the Investor Compensation Company DAC ('ICCL'), I acknowledge the Board's responsibility for ensuring that an effective system of internal control is maintained and operated.

### PURPOSE OF THE SYSTEM OF INTERNAL CONTROL

The ICCL's system of internal control is designed to manage risk rather than eliminate it. On that basis, the system can only provide reasonable assurance, and not absolute assurance, that assets are safeguarded, transactions authorised and properly recorded, and that material errors or irregularities are either prevented or detected in a timely manner.

In discharging its responsibilities in respect of the maintenance of effective internal controls, the Board is assisted by the Audit and Risk Committee ('ARC'). The ARC reports to the Board on its oversight and review of the ICCL's internal financial control and risk management systems.

### CAPACITY TO HANDLE RISK

The ARC comprises five Board members, with financial and risk management expertise, one of whom is the Chair of the Committee. The ARC met four times during the year under review.

The ICCL engages the Internal Audit Division ('IAD') of the Central Bank of Ireland, and when deemed appropriate, external subject matter experts, to provide internal audit services. The ARC is satisfied that IAD is adequately resourced to conduct a programme of work as agreed with the ARC.

The ICCL has developed a risk management framework which outlines its risk appetite, the risk management processes in place and the roles and responsibilities of staff in relation to risk. Staff are trained in relation to the risk management framework and are expected to raise emerging risks and control weaknesses identified during the discharge of their roles.

### RISK AND CONTROL FRAMEWORK

The ICCL has implemented a comprehensive risk management system which identifies and reports key risks and the management actions being taken to address and, to the extent possible, mitigate those risks.

A risk register is in place which identifies the key risks facing the ICCL and these have been identified, evaluated and graded according to their significance. The register is reviewed and updated by the ARC at each meeting. Significant risks, and notable changes to risks, are also reported to the Board. The outcome of these assessments is used to plan and allocate resources to ensure risks are managed to an acceptable level.

The risk register details the controls in place to mitigate risks and where applicable, assigns responsibility for operation of controls to specific staff. A control environment containing the following elements is in place:

- procedures for all key business processes have been documented;
- financial responsibilities have been assigned at management level with corresponding accountability;
- there is an appropriate budgeting system with an annual budget which is kept under review by senior management and the Board;
- there are systems aimed at ensuring the security of information and communication technology systems;
- there are systems in place to safeguard the assets.

### ONGOING MONITORING AND REVIEW

Formal procedures have been established for monitoring control processes. Any identified control deficiencies are communicated to those responsible for taking corrective action and to management and the Board, where relevant, in a timely way. The following processes exist:

- arrangements to monitor the operation of key controls and report any identified deficiencies;
- responsibility for monitoring compliance and the identification of risk within the Company has been assigned to the Risk & Compliance Manager;
- responsibility for financial management has been assigned to the Policy and Funding Manager, a professional accountant.
- there are regular reviews by senior management and the Board of periodic and annual performance and financial reports which outline outturn against targets.

### **PROCUREMENT**

ICCL has procedures in place to ensure that procurement is conducted to achieve the best outcomes for ICCL and its stakeholders.

### **REVIEW OF EFFECTIVENESS**

ICCL's monitoring and review of the effectiveness of the system of internal financial control is informed by the work of the internal and external auditors, the ARC which oversees their work, and senior management within ICCL responsible for the development and maintenance of the internal control framework. The Board is apprised of the outcome of all such reviews.

The Board conducted an annual review of the effectiveness of the internal controls for the year ended 31 July 2024.

### INTERNAL CONTROL ISSUES

No material internal control issues arose during the year under review.

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Signed on behalf of the Board:

Jane Marshal Chairperson

18 November 2024

### DIRECTORS' RESPONSIBILITIES STATEMENT

The Directors are responsible for preparing the report of the directors and the financial statements in accordance with applicable law and regulations.

Company law requires the Directors to prepare financial statements for each financial year. Under that law, they have elected to prepare the financial statements in accordance with FRS 102, the Financial Reporting Standard applicable in the Republic of Ireland.

Under company law, the Directors must not approve the financial statements unless they are satisfied that they give a true and fair view of the assets, liabilities and financial position of the Company and of its profit or loss for that year. In preparing these financial statements, the Directors are required to:

- select suitable accounting policies and then apply them consistently;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable 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 Company will continue in business.

The Directors are responsible for keeping adequate accounting records that are sufficient to:

 correctly record and explain the transactions of the Company;

- enable at any time the assets, liabilities, financial position and profit or loss of the Company to be determined with reasonable accuracy;
- enable them to ensure that the financial statements comply with both the Companies Act 2014 and the Companies (Accounting) Act 2017, enabling those Financial Statements to be audited.

The Directors have general responsibility for taking such steps as are reasonably open to them to safeguard the assets of the Company and to prevent and detect fraud and other irregularities.

The Directors are responsible for the maintenance and integrity of the corporate and financial information included on the Company's website. Legislation in the Republic of Ireland governing the preparation and dissemination of financial statements may differ from legislation in other jurisdictions.

The Directors confirm that to the best of each Director's knowledge and belief, they have complied with the above requirements in preparing the financial statements.

On behalf of the board

Jane Marshall

Patricia Einderald

18 November 2024

### INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF THE INVESTOR COMPENSATION COMPANY DAC

### Report on the audit of the financial statements

### **Opinion**

We have audited the financial statements of The Investor Compensation Company DAC ('the Company'), which comprise the Income and Expenditure Account, the Balance Sheet, the Cash Flow Statement and notes to the Company financial statements, including the summary of significant accounting policies set out on page 31. The financial reporting framework that has been applied in their preparation is Irish law and FRS 102 *The Financial Reporting Standard applicable in the UK and Republic of Ireland*.

In our opinion, the accompanying financial statements:

- give a true and fair view of the assets, liabilities and financial position of the Company as a 31 July 2024, and of its surplus for the year then ended;
- have been properly prepared in accordance with FRS 102; and
- have been properly prepared in accordance with the requirements of the Companies Act 2014.

### Basis for opinion

We conducted our audit in accordance with International Standards on Auditing (Ireland) (ISAs (Ireland)) 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 financial statements in Ireland, including the Ethical Standard for Auditors (Ireland) issued by the Irish Auditing and Accounting Supervisory Authority (IAASA), 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.

### Conclusions relating to going concern

In auditing the financial statements, we have concluded that the directors' use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work we have performed, we have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the Company's ability to continue as a going concern for a period of at least twelve months from the date when the financial statements are authorised for issue.

Our responsibilities and the responsibilities of the directors with respect to going concern are described in the relevant sections of this report.

### Other information

The directors are 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.

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 course of 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 this regard.

### Opinions on other matters prescribed by the Companies Act 2014

In our opinion, based on the work undertaken in the course of the audit, we report that:

- the information given in the directors' report for the financial year for which the financial statements are prepared is consistent with the financial statements;
- the directors' report has been prepared in accordance with applicable legal requirements;
- the accounting records of the Company were sufficient to permit the financial statements to be readily and properly audited; and
- the financial statements are in agreement with the accounting records.

We have obtained all the information and explanations which, to the best of our knowledge and belief, are necessary for the purposes of our audit.

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

Based on the knowledge and understanding of the Company and its environment obtained in the course of the audit, we have not identified any material misstatements in the directors' report.

The Companies Act 2014 requires us to report to you if, in our opinion, the requirements of any of Sections 305 to 312 of the Act, which relate to disclosures of directors' remuneration and transactions are not complied with by the Company. We have nothing to report in this regard.

### Respective responsibilities

### Responsibilities of directors for the financial statements

As explained more fully in the directors' responsibilities statement out on page 24, the directors are responsible for the preparation of the financial statements in accordance with the applicable financial reporting framework that give a true and fair view, and for such internal control as management 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 directors are 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 management either intends to liquidate the Company or to cease operations, or has 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 (Ireland) 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 Irish Auditing and Accounting Supervisory Authority's website at: https://iaasa.ie/wp-content/uploads/2022/10/Description of auditors responsibilities for audit.pdf.

This description forms part of our auditor's report.

### The purpose of our audit work and to whom we owe our responsibilities

Our report is made solely to the Company's members, as a body, in accordance with Section 391 of the Companies Act 2014. Our audit work has been undertaken so that we might state to the Company's members those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Company and the Company's members, as a body, for our audit work, for this report, or for the opinions we have formed.

Brendan Mullally
Brendan Mullally

For and on behalf of **RBK Business Advisers** 

Chartered Accountants and Statutory Audit Firm

Termini 3 Arkle Road

Sandyford

Dublin 18

Date: 18 November 2024



**FUND A** 

**FUND B** 

INCOME AND EXPENDITURE F	OR THE	YEAR EN	NDED 31 JULY	2024	
		2024 €	2024 €	2023 €	2023 €
INCOME Levy Income Interest Income	Notes		4,910,662 2,727,436 <b>7,638,098</b>		11,503,667 977,363 <b>12,481,030</b>
EXPENDITURE					
Compensation costs and provisions Statutory compensation costs Administrator costs Compensation related legal costs Other compensation related costs	8	(54,283) 186,838 (24,177) (77,985)	30,393	(114,472) (315,801) (74,760) (14,763)	(519,796)
Administration expenses	2		(2,377,097)		(2,362,474)
TOTAL EXPENDITURE		ş	(2,346,704)		(2,882,270)
SURPLUS ON ORDINARY ACTIVITIES	1		5,291,394		9,598,760
Surplus at beginning of year		10 40	97,704,060		88,105,300
Surplus at 31 July			102,995,454		97,704,060
ALLOCATED BETWEEN FUNDS AS FOLLOWS:					

The financial statements were approved by the Board of Directors on 18 November 2024 and were signed on its behalf by:

3

3

**DIRECTORS** 

Patricia Fitzgerald

75,691,322

27,304,132

102,955,454

71,314,817

26,389,243

97,704,060

### BALANCE SHEET AS AT 31 JULY 2024

	Notes	2024	2023 €
FIXED ASSETS		€	€
Equipment	4	18,611	9,740
Intangible Assets	4	69,770	129,590
		88,381	139,330
CURRENT ASSETS			
Trade and other receivables	5	1,777,977	588,463
Cash and Cash Equivalents	3	50,374,306	72,119,712
Short-term investments	6	51,495,127	25,787,148
		103,647,410	98,495,323
CREDITORS: amounts falling due within one year	7	(740,333)	(930,589)
NET CURRENT ASSETS		102,907,077	97,564,734
TOTAL ASSETS LESS CURRENT LIABILITIES		102,995,458	97,704,064
ODEDITORS. Assessment falling due offer more			
CREDITORS: Amounts falling due after more than one year			
Provisions for Compensation Claims & Associated Costs	8		2.5
NET ASSETS		102,995,458	97,704,064
FINANCED BY:			
Called up share capital	10	4	4
Called-up share capital Funds	3	102,995,454	97,704,060
i unuo	350		
	12	102,995,458	97,704,064

The accompanying notes form an integral part of the financial statements.

The financial statements were approved by the Board of Directors on 18 November 2024 and were signed on its behalf by:

Jane Marshall

**DIRECTORS** 

1. 1112 Quicalle Patricia Bitzgerald

### CASH FLOW STATEMENT FOR THE YEAR ENDED 31 JULY 2024

	Notes	2024 €	2023 €
CASH FLOWS FROM OPERATING ACTIVITES			
Surplus on ordinary activities		5,291,394	9,598,760
Adjustments for: Depreciation		71,527	67,684
Loss on disposal of equipment	4	380	· ·
(Increase) in debtors	5	(1,189,514)	(456,091)
(Decrease) in creditors and provisions for liabilities and charges	7	(190,256)	(2,202,443)
NET CASH INFLOW FROM OPERATING ACTIVITIES		3,983,531	7,007,910
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments to acquire equipment	4	(20,958)	(5,254)
(Increase) in short-term investments		(25,707,979)	(8,849,522)
NET CASH OUTFLOW FROM INVESTING ACTIVITIES		(25,728,937)	(8,854,776)
Net (decrease) in Cash and Cash Equivalents		(21,745,406)	(1,846,866)
Cash and Cash Equivalents at 1 August		72,119,712	73,966,578
Cash and Cash Equivalents at 31 July		50,374,306	72,119,712

### STATEMENT OF ACCOUNTING POLICIES

The following accounting policies, together with applicable Accounting Standards in Ireland have been applied in the preparation of the financial statements.

### BASIS OF PREPARATION

The financial statements have been prepared in accordance with Irish statute comprising the Companies Act, 2014 and in accordance with Financial Reporting Standard 102, the Financial Reporting Standard applicable in the UK and Republic of Ireland ("FRS 102") as issued in January 2022, however the amendments arising from the implementation of the EU Accounting Directive in the UK have been dis-applied. The financial statements are prepared in Euro which is the functional currency of the Company. The financial statements have been prepared on a going concern basis.

### **ACCOUNTING CONVENTION**

The financial statements have been prepared in accordance with the historical cost convention.

### LEVY INCOME

Levy income from authorised investment firms is recognised on an accruals basis as income in the period to which the amount levied relates.

Levies outstanding at the Company's year-end are recognised as debtors and appropriate provision is made for bad and doubtful debts.

### **COMPENSATION COSTS**

Compensation costs, including associated third-party costs which have not already been invoiced at yearend, are recognised at the time that the Company becomes aware of an event having occurred which will give rise to a default and when a reliable estimate can be made of the amount of the compensation costs to be paid.

The Company will normally become aware of a default on being informed by the Central Bank of Ireland (the Bank) that:

- a determination has been made by the Bank in accordance with section 31(3) of the Act, or,
- the High Court has made a ruling appointing a liquidator, receiver, the official assignee or a trustee in Bankruptcy in respect of an investment firm.

The Company is subrogated to the rights of each eligible investor in liquidation proceedings against the investment firm in respect of the amount the Company has paid to each eligible investor. This is in accordance with section 35(5) of the Act. Recoveries from subrogation are recognised when receipt is virtually certain. Where recoveries from subrogation are probable but not virtually certain, the Company will not recognise the subrogated income but will make the necessary disclosures in the Contingent Assets note.

### **ADMINISTRATION EXPENSES**

Administration expenses include all costs which are not compensation costs and include costs relating to the ongoing management of the Company, including movement in provision for bad or doubtful debts and bad debts written off in the period under review.

### **EQUIPMENT AND INTANGIBLE ASSETS**

#### Measurement

Equipment and Intangible Assets are stated at cost less accumulated depreciation and are not revalued.

### Depreciation

All Equipment and Intangible Assets are depreciated on a straight-line basis over their anticipated useful lives. The Company applies the use of accounting estimates and judgment in determining the depreciation rates on the basis that they provide an accurate assessment of the anticipated useful lives. These depreciation rates are as follows:

#### Equipment

Computer equipment

3 - 5 years

Intangible Assets

Computer software

5 years

#### Impairment

Equipment and Intangible Assets are reviewed for impairment if events or changes in circumstances indicate that the carrying amount of a fixed asset may not be recoverable.

#### Derecognition

Equipment and Intangible Assets are derecognised when they have been disposed of or permanently withdrawn from use and no future economic benefit is expected from their disposal. The difference between the net disposal proceeds and the carrying amount of the asset would result in either gains or losses at its retirement or disposal. Any gains or losses are recognised in the Income and Expenditure Account in the year of retirement or disposal. Gains or losses are determined as the difference between net disposal proceeds and the carrying value of the asset as at the date of the transaction.

### CASH AND CASH EQUIVALENTS

Cash and Cash Equivalents comprise cash on hand and deposits maturing within 3 months. The Company discloses cash and cash equivalents in accordance with FRS 102.

### SHORT TERM INVESTMENTS

Short term investments comprise fixed term deposits with a period to maturity of greater than 3 months. The Company discloses short-term investments in accordance with FRS 102.

### **TRADE AND OTHER PAYABLES**

Trade and other payables represent liabilities for goods and services provided to the Company prior to the end of the financial year which are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

### **FUNDS**

In accordance with the provisions of the Act, the Company has established two separate Funds in respect of the various categories of investment firms.

### **CRITICAL ACCOUNTING ESTIMATES AND JUDGEMENTS**

The preparation of the financial statements requires management to exercise judgement in the process of applying the Company's accounting policies. The area involving a higher degree of judgement or complexity or areas where assumptions and estimates are significant to the financial statements is in relation to provisions for compensation claims. See note 8 for further information.

### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 JULY 2024

### 1. SURPLUS ON ORDINARY ACTIVITIES

The surplus on ordinary activities is stated after charging:

The surplus on Gramary activities to stated after stranging.	2024 €	2023 €
Directors' fees	146,118	149,663
Depreciation	71,527	67,684
Auditors' remuneration for audit services (ex-VAT)	10,000	10,000
Auditors' remuneration for non-audit services (ex-VAT)	0. <del></del>	6. <del>-</del>

The Company's staff is sourced under a secondment arrangement with the Central Bank of Ireland which also provides certain other administrative services to the Company.

The Chairperson and Deputy Chairperson were remunerated €31,500 (2023: €31,500) and €15,750 (2023: €15,750) respectively during the year. The other Directors were remunerated at the rate of €10,350 per annum (2023: €10,350).

The Company does not operate any share option or long-term incentive schemes in respect of qualifying services of Directors. The Company does not operate a retirement benefit scheme in respect of qualifying services of Directors. The Company did not make any compensation payments or other termination payments to directors in respect of loss of office during the current or preceding financial year.

### 2. ADMINISTRATION EXPENSES

	2024 €	2023 €
Staff costs* Directors' fees Directors' expenses Other administration expenses including funding costs	853,276 146,118 1,317 1,310,802	827,637 149,663 812 1,307,050
Bad debts written off (Decrease)/increase in provision for bad and doubtful debts Depreciation and amortisation	6,432 (12,375) 71,527	1,575 8,053 67,684
	2,377,097	2,362,474

<sup>\*</sup> The Company has no direct employees (2023: nil). The average number of secondees were 8.2 full time equivalent (FTE) (2023: 8.2 FTE). Staff costs are included in the charge for administrative services by the Central Bank (refer to note 13 Related Parties).

# 3. FUNDS

	Fund A	Fund B	2024 Total	Fund A	Fund B	2023 Total
	w	4	Ψ	Ψ	Ψ	₩
Levy income Interest income Investment income	4,082,325 1,163 1,914,158	828,337 786 811,329	4,910,662 1,949 2,725,487	10,649,870 1,142 696,985	853,797 380 278,856	11,503,667 1,522 975,841
Compensation (costs)/recoveries: Certified Compensation Costs ICCL legal costs Increase/decrease in Administrator costs Secondee Costs Administration expenses:	(54,283) (24,177) 186,838 (77,985)		(54,283) (24,177) 186,838 (77,985)	(114,472) (74,760) (315,801) (14,763)	1 1 1 1	(114,472) (74,760) (315,801) (14,763)
Bad Debts (written off)	9	(6,432)	(6,432)	*	(1,575)	(1,575)
(Increase)/ Decrease in provision for bad and doubtful debts Other administration expenses	- (1,651,534)	12,375 (731,506)	12,375 (2,383,040)	- (1,605,473)	(8,053) (747,373)	(8,053) (2,352,846)
Surplus for the year	4,376,505	914,889	5,291,394	9,222,728	376,032	9,598,760
Surplus at 1 August 2023/2022 Surplus at 31 July 2024/2023	71,314,817	26,389,243	97,704,060	62,092,089	26,013,211	88,105,300 <b>97,704,060</b>
Represented by: Cash and Cash Equivalents Short-term investments Fixed assets Debtors Creditors Provision for liabilities and charges	44,037,925 31,016,653 44,191 1,242,307 (479,709) (170,043)	6,336,381 20,478,474 44,190 535,670 (90,581)	50,374,306 51,495,127 88,381 1,777,977 (570,290) (170,043) (4)	54,850,813 16,820,000 69,665 441,210 (518,626) (348,243) (2)	17,268,899 8,967,148 69,665 147,253 (63,270)	72,119,712 25,787,148 139,330 588,463 (582,346) (348,243) (4)
Total -	725,159,67	27,304,132	102,333,434	110,410,17	40,000,440	200,401,10

The income and expenditure is allocated between Funds as follows:

Costs, which are directly attributable to a particular Fund, are allocated to that Fund. Costs, which are directly related to firms paying into each Fund, are allocated on that basis.
Commitment fees associated with commercial borrowing arrangements are allocated 2/3rds to Fund A and 1/3rd to Fund B, except where a Fund has reached its target level, whereby the costs become directly attributable to a particular Fund. Other costs are allocated equally between the Funds

### 4. EQUIPMENT AND INTANGIBLE ASSETS

Equipment

Equipment		
	2024 €	2023 €
Cost:		
At 1 August Additions Disposals	60,931 20,958 (2,840)	57,575 5,254 (1,898)
At 31 July	79,049	60,931
Depreciation:		
At 1 August On Disposals Charge for year	51,191 (2,460) 11,707	45,225 (1,898) 7,864
At 31 July	60,438	51,191
Net book value:		
At 31 July	18,611	9,740
Intangible Computer Software	2024 €	2023 €
Intangible Computer Software  Cost:		
Cost: At 1 August Additions	€	€
Cost: At 1 August Additions Disposals	€ 314,904 - -	€ 314,904 - 
Cost:  At 1 August Additions Disposals  At 31 July  Amortisation:  At 1 August	€ 314,904 - -	€ 314,904 - 
Cost:  At 1 August Additions Disposals  At 31 July  Amortisation:	314,904 - - 314,904	314,904  314,904
Cost:  At 1 August Additions Disposals  At 31 July  Amortisation:  At 1 August On Disposals	314,904 - - - 314,904 185,314	314,904 - - 314,904 125,494
Cost:  At 1 August Additions Disposals  At 31 July  Amortisation:  At 1 August On Disposals Charge for year	314,904 - - 314,904 185,314 - 59,820	314,904 - - 314,904 125,494 59,820

The historic cost of fully depreciated assets as at 31 July 2024 was €83,707 (2023: €52,750).

### 5. TRADE AND OTHER RECEIVABLES

2024	2023
€	€
604 1,777,373 1,777,977	2,092 586,371 588,463
€	€
6,432	1,575
€	€
18,170	10,117
5,795	18,170
(12,375)	8,053
	€  604 1,777,373 1,777,977  € 6,432  € 18,170 5,795

### 6. SHORT-TERM INVESTMENTS

	2024 €	2023 €
Fixed term deposits	51,495,127	25,787,148
	51,495,127	25,787,148
Short term investments are comprised of fixed term deposits with months. Fixed term deposits are measured at amortised cost.	n a period to maturity	of greater than 3
MATURITY PROFILE		
	2024 €	2023 €
3 – 6 months	36,484,081	16,204,336
6 – 9 months 9 – 12 months	5,919,414 9,091,632	9,582,812
	51,495,127	25,787,148
AVERAGE INTEREST RATE		
	2024	2023
3 – 6 months	<b>%</b> 3.28	<b>%</b> 3.25
6 – 9 months	3.61	0.00
9 – 12 months	3.51	3.93
7. CREDITORS: AMOUNTS FALLING DUE WITHIN ONE	YEAR	
	2024	2023
	€	€
Certified Compensation claims	364,172	411,501
Central Bank of Ireland (salary recharge)	84,084	66,967
Directors' fees and expenses	26,480 2,938	13,062 1,879
Prepaid levies Other	2,936 92,616	88,937
Provision for compensation claims and associated costs (note 8)	170,043	348,243
	740,333	930,589

### 8. Provisions for Compensation Claims & Associated Costs

	Fund A Claims	Total Claims	3 <sup>rd</sup> Party Costs (Fund A)	Total
	€	€	€	€
Opening provision at 1 August 2022	751,445	751,445	32,442	783,887
(Decrease)/Increase in provision	-	-	315,801	315,801
Payments during the year	(751,445)	(751,445)	-	(751,445)
Provision at 31 July 2023 and at 1 August 2023	-	-	348,243	348,243
Increase/(decrease) in provision	54,283	54,283	(186,838)	(132,555)
Payments during the year	(20,000)	(20,000)	(25,645)	(45,645)
Closing Provision at 31 July 2024	34,283	34,283	135,760	170,043
Represented by:				
Amounts falling due within one year	34,283	34,283	135,760	170,043
Amounts falling due after one year			-	-

### (A) CUSTOM HOUSE CAPITAL LIMITED (FUND A)

At the financial year ended 31 July 2024, a provision in the amount of €34,283 was created in respect of compensation that may be payable to two eligible clients of Custom House Capital Limited.

At 1 August 2023, the Administrator had certified 2,340 claimants resulting in compensation of €11,857,404. During the financial year ended 31 July 2024, the Administrator certified, on appeal, one claim with a compensatable loss of €20,000. In addition, a further claimant appealed their certification and one late claim

was received, each of these claims are under review with the Administrator. The ICCL has considered the information as provided by the Administrator and has determined that it is appropriate to make a provision of €34,283 for claims compensation related to CHC for the two claims under review. The creation of the provision coupled with the other appealed claim certification, resulted in a charge to the income and expenditure statement of €54,283. As at 31 July 2024, the Administrator had certified 2,340 claimants with aggregate compensation payable of €11,877,404.

At 31 July 2024 the Company created a provision of €154 (2023: €33,057) towards the costs of the Administrator for the certification of the late claim received during the year ended 31 July 2024. During the year ended 31 July 2024, the Administrator of CHC invoiced the ICCL for certification related fees of (2023: Nil).

### (B) BLACKBEE INVESTMENTS LIMITED (FUND A)

On 19 May 2023, the High Court revoked the authorisation of Blackbee Investments Limited ("BBIL") on the petition of the Central Bank of Ireland, and, appointed Luke Charleton and Colin Farquharson as joint official liquidators' of BBIL, a MiFID investment firm. On the same date, the High Court also appointed Luke Charleton and Colin Farquharson as joint Administrators of BBIL in accordance with section 33A of the Investor Compensation Act ("the Act"). In accordance with section 32(1) of the Act, the ICCL is required to invite claims for compensation from clients of BBIL within a period of not less than 5 months from the date of the appointment of the joint Administrators.

In advance of 31 July 2023, the joint Administrators of BBIL had supplied the ICCL with a list of 1,547 clients of BBIL. During the financial year ended 31 July 2024, it came to the attention of the ICCL, that a further 503 clients of BBIL existed as of 31 July 2023, and accordingly, ICCL also invited these clients to submit a claim for compensation. In total, the ICCL has invited claims from 2,050 clients of BBIL. As at 31 July 2024, the ICCL had forwarded to the joint Administrators all 1,420 claim forms as returned by clients of BBIL. The ICCL has considered all relevant information available to it up to the date of the approval of the financial statements, including as provided by the joint Administrators, and has determined that it is not appropriate to make any provision for claims compensation related to BBIL at this time, principally based on the statement by the joint Administrators that, currently, there is no evidence to suggest a compensatable loss will arise.

At 31 July 2024, the ICCL decreased the provision for the costs of the joint Administrators for the completion of the Administration process by €179,580 to €135,606.

### 9. CONTINGENT ASSETS AND LIABILITIES

#### **CONTINGENT ASSETS**

There were no Contingent Assets at 31 July 2024.

#### **CONTINGENT LIABILITIES**

### Blackbee Investments Limited (In Liquidation) ["BBIL"]

The Company exists to provide compensation to clients of an investment firm in certain circumstances, including where the Courts have ruled the firm is unable to meet its obligations. Blackbee Investments Limited (BBIL) is a Fund A investment firm authorised under the European Union (Markets in Financial Instruments) Regulations 2017, in respect of which the High Court made such a ruling on 19 May 2023. On the same date Luke Charleton and Colin Farquharson were appointed as joint official liquidators to BBIL. They were also appointed as joint Administrators for the purposes of the 1998 Investor Compensation Act. Based on their review of the High Court ruling, the Affidavit of Claire McGrade (Head of Resolution at the Central Bank of Ireland) and inquiry of the joint official liquidators (qua joint Administrators), the directors do not believe it is more likely than not that the Company will pay compensation to eligible investors. Consequently, they cannot, as at the date of approval of these financial statements, create a provision for compensation liabilities as the probability and extent of compensation payable by the Company will depend, amongst other factors, on the following uncertainties:

- whether any shortfall of client money or client financial instruments ("client assets") are identified within the client asset estate of BBIL.
- whether any shortfall of client assets, if identified, are derived from regulated or unregulated investment products.
- the extent to which any shortfall of client assets, if identified, are suffered by "eligible investors" and deemed compensatable,
- the nature, and extent of discretion, of the mandates which investors had given to BBIL.
- whether the joint official liquidators' have access to records enabling them to reconcile records and establish client positions.

The directors of ICCL understand that BBIL held and managed significant client funds and investments. However, the specific issues which were identified by the Central Bank of Ireland and which led to the appointment of joint official liquidators' to BBIL on 19 May 2023 were:

- the collapse of BBIL's corporate governance and key control functions,
- the regulatory and supervisory engagement that occurred between the Bank and BBIL during a
  period of more than two years,
- the persistent failure on the part of BBIL to comply with its regulatory and prudential obligations to the Bank and to clients and investors,

- the failure on the part of BBIL to address the Bank's longstanding concerns with respect to BBIL's ability to satisfy its regulatory capital requirements in the short to medium term,
- the failure on the part of BBIL to appoint and retain suitably qualified persons to important roles such as INED, Chairperson and Head of Compliance for the duration of any sale or wind-down strategy.

The directors of ICCL are not aware that any shortfall of client assets, has been confirmed either by the Central Bank of Ireland, through its regulatory or supervisory engagement of BBIL, or, by the joint official liquidators since their appointment on 19 May 2023.

If a shortfall of client assets is identified by the joint official liquidators, the compensation payable by the Company to any one eligible investor is limited to the lesser of 90% of an eligible investor's compensatable loss or €20,000. The ICCL issued approximately 2,050 claim application forms to clients of BBIL and requested that these be returned ideally by 31 October 2023, though no later than the statutory deadline of 16 November 2024. At 31 July 2024, 1,420 claim application forms had been received by the ICCL. If losses are identified by the joint official liquidators, and compensation becomes payable, the net compensation payable by the Company is expected to be limited by an insurance policy which at the time of the failure of BBIL provided cover for claims in excess of €15 million up to a maximum of €100 million.

The joint official liquidators *qua* joint Administrators have advised the ICCL of several areas of concern in relation to specific products which clients of BBIL invested in through the regulated entity. On the basis of information provided by the joint Administrators to ICCL, should a shortfall of client assets be identified by the joint official liquidators, the ICCL has estimated that the maximum compensatable liability would not exceed €10.7 million at this time. The directors of ICCL understand from engagement with the joint official liquidators' that it is likely to take significant experienced resources several months to resolve all individual client positions. It should also be noted that a full reconciliation may prove difficult if not impossible where proper documentation and a proper financial trail cannot be confidently established. As a detailed reconciliation is undertaken, other issues may arise. The directors do not believe at the time of signing the financial statements that it is more likely than not that the Company will pay compensation to eligible investors.

### Custom House Capital Limited (In Liquidation)

During the year ended 31 July 2024 one late claim for compensation arose. In addition, a claim that had previously been the subject of certification by the Administrator, was successfully appealed based on the discovery of new information by the Administrator and was certified for a compensatable loss of €20,000. A further claim is under review. The Company has determined on the basis of expert advice, that a provision of €34,283 was required at 31 July 2024 in respect of the two claims that are under review by the Administrator (2023:Nil).

### Money Markets International Stockbrokers Limited (In Liquidation) ["MMI"]

All submitted compensation claims were certified and paid by September 2008. Although the Liquidation of MMI is ongoing, the ICCL does not believe that the failure of MMI will result in any further payment of compensation under the Act. During the year ended 31 July 2024 no late claims for compensation arose. The Company has determined that no further provision was required at 31 July 2024 (2023: €NIL).

### 10. SHARE CAPITAL

AUTHORISED:	2024 €	2023 €
10 Ordinary shares of €1.25 each	13	13
ISSUED AND FULLY PAID:		
3 Ordinary shares of €1.25 each	4	4

The Investor Compensation Company DAC is a company limited by guarantee and having a share capital. There are three shareholders, the Central Bank of Ireland, the Irish Stock Exchange plc and the Irish Association of Investment Managers, each holding one share. The amount to be paid by each shareholder in the event of the Company being wound up is limited to €6.00.

On 2 December 2002, by a special resolution of the shareholders, the authorised share capital of the Company was changed to €12.50 and the ordinary shares were renominalised with a par value of €1.25 each. The amount equal to the reduction in nominal value of the allotted share capital was transferred to a capital conversion redemption fund. The capital conversion redemption fund has not been disclosed on the face of the balance sheet or in the notes to the financial statements as it is not deemed material. (Amounts relating to share capital have been rounded-up in the Financial Statements).

### 11. TAXATION

The Company is exempt from Corporation Tax in accordance with section 219B of the Taxes Consolidation Act, 1997 (as amended). The Company is also exempt from Deposit Interest Retention Tax in accordance with section 256 of the Taxes Consolidation Act, 1997 (as amended).

### 12. MOVEMENTS IN TOTAL FUNDS

	Share Capital attributable to Shareholders	Attributable to Funds	Total
	€	€	€
At 1 August 2023	4	97,704,060	97,704,064
Surplus for the year	-	5,291,394	5,291,394
At 31 July 2024	4	102,995,454	102,995,458

### 13. RELATED PARTIES

The following transactions took place between the Company and its related party, the Central Bank of Ireland:

	2024	2023
	€	€
Administration costs chargeable to the Company		077 700
by the Central Bank of Ireland for services provided	1,009,046	977,726

At 31 July 2024 a balance of €84,084 (2023: €66,967) was due to the Central Bank of Ireland. This was paid in full on 29 October 2024 (2023: 10 November 2023). Details of Directors' fees and expenses are disclosed in Note 1.

### 14. EVENTS AFTER THE REPORTING PERIOD

No material events have occurred subsequent to the reporting date which would require disclosure in the financial statements.

### 15. APPROVAL OF FINANCIAL STATEMENTS

The financial statements were authorised for issue by the Board of Directors on 18 November 2024.

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