

# Client Assets Key Information Document (“CAKID”)



December 2018

## An Explanation of the Client Asset Regulations

The Client Asset Requirements (“CAR”), are contained in Part 6 of the Central Bank (Supervision and Enforcement) Act 2013 (Section 48(1)) (Investment Firms) Regulations 2017 (S.I. No 604 of 2017). These form the legislative rules that Wealth Options Limited (“Wealth Options”) must follow in order to safeguard your assets. The security of client’s funds held by investment firms is fundamental to a robust financial services system. Wealth Options (the “Firm”) adheres to the principles and prescriptive requirements of these client asset requirements and has robust procedures in place around the holding of client assets.

The Investment Firm Regulations 2017 may be viewed here <http://www.irishstatutebook.ie/eli/2017/si/604/made/en/pdf> and further information on these regulations is available on the Central Bank of Ireland’s website: <https://www.centralbank.ie/regulation/industry-market-sectors/client-assets>

The purpose of the Regulations is to regulate and safeguard the handling of client assets to enable swift and safe return of these assets to the clients. However, it is important to note that it can never fully eliminate all risks relating to client assets, some of which are identified in this document.

### The key principles of these Regulations require that:

- Client assets are segregated from the Firm’s own assets through registration of client assets in designated client asset accounts with the relevant institution (i.e. Bank) holding the assets;
- We receive written assurances from third parties before placing your assets with them;
- We ensure the accuracy of both the Firm’s records and those of the institutions holding the assets through regular reconciliations and annual independent audits;
- We inform you through the CAKID of the Firm’s arrangements and where relevant obtain your consent to the manner in which your assets are held;
- The Firm has appropriate risk management processes and systems, including documented policies and procedures to ensure that a risk-based approach is adopted in safeguarding your assets.

## What are client assets?

Client Assets include both:

- (i) **Client Funds:** Any money, to which you are beneficially entitled, which we have received from you or on your behalf. It includes cash, cheques or other payable orders, current and deposit accounts.
- (ii) **Client Financial Instruments:** Any financial instrument (for example, shares, bonds and units held in collective investment schemes) held by us on your behalf including any held with a nominee. Wealth Options do not currently hold any financial instruments for clients.

It should be noted that the value of your investments are not covered by the client asset requirements.

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## The circumstances in which the Regulations apply and do not apply

It is important to note that the Client Asset Regulations:

### ***Do apply:***

- (i) For funds or financial instruments that have been lodged to a Wealth Options Limited client asset account for regulated financial services activities. This includes investments in Tracker Bonds with Bank of Ireland only.
- (ii) Once we receive a cheque or other payable order, except where it is payable to a third party and transmitted by Wealth Options Limited to that party.
- (iii) Where Client funds are returned to a client by way of cheque or payable order, the Client Funds do not cease to be client assets until the cheque or payable order is presented and paid by the eligible credit third party.

### ***Do not apply:***

- (i) For funds or financial instruments that have been received for non-regulated financial services activities.
- (ii) Where you have transferred full ownership of funds or financial instruments to cover or secure obligations, be they present or future, actual or contingent.
- (iii) Where we receive a cheque or other payable order from you or on your behalf payable to a third party and we transmit that to the third party.
- (iv) Where funds are due and payable to Wealth Options.
- (v) Where a cheque or other payable order received from you, or on your behalf is not honoured by the bank.
- (vi) Where funds have been paid to you or a nominated third party (within the limited circumstances such instructions can be undertaken). Please note that payments to third parties can only be done on written instruction from you. Completion of an order or application form is considered a request to pay a third party.

### ***Client assets cease to be client assets where:***

- a) they are paid, or transferred, to you whether directly or into an account with a third party or a relevant party in your name (not being an account which is also in the name of Wealth Options Limited); or
- b) where they are paid, or transferred to a third party on your written instruction and are no longer under the control of Wealth Options Limited.

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## The circumstances in which the firm will hold clients assets, hold client assets with a third party and hold client assets in another jurisdiction

Where Wealth Options produce a Tracker Bond with Bank of Ireland Global Markets, Wealth Options Limited holds client funds in client asset accounts. Bank of Ireland Global Markets are a third-party eligible credit institution domiciled in Ireland. Wealth Options Limited does not hold any client assets itself nor do we hold client assets in another jurisdiction outside of Ireland.

Wealth Options Limited only holds client asset accounts with Bank of Ireland, whose registered address is 40 Mespil Road, Dublin 4. Further information on Bank of Ireland can be found on their website <https://www.bankofireland.com>

## The arrangements applying to the holding of client assets and the relevant risks associated with these arrangements

Client Funds are protected by the rules detailed in the CAR, including obligations to the segregation of Client Funds from the Firm’s Funds, accurate record keeping, regular reconciliations between the Firm’s records and Bank of Ireland Global Markets and the counterparty due diligence.

Prior to placing Client Assets with a third party, the Firm conducts a detailed due diligence assessment in terms of its financial strength. This will be reviewed by the Firm on a regular basis. Wealth Options will ensure that a ‘Facilities Letter’ is in place with the third party prior to lodgement of client assets, to ensure that the Bank will operate the account as a Client Asset Account, under the Client Asset Regulations.

All client asset accounts are clearly designated as “Client Asset Accounts” in both the internal records of Wealth Options Limited and the records of any of the institutions actually holding the assets.

Client Funds received are lodged to a Bank of Ireland Global Markets account. It should be noted that until your money is swept into the Firm’s client asset account your funds are not afforded protection under these client asset requirements. These funds are transferred into a pooled Client Asset Account with Bank of Ireland Global Markets in the name of Wealth Options Limited Client Assets Account. This means that a number of client’s funds are held in the same client asset account with the bank. Wealth Options Limited maintain detailed records identifying the amount being held for each client in the account. We refer you to the section below regarding the risks associated with pooled accounts.

Client funds are lodged to an account in the same currency as they are received, unless Wealth Options Limited do not have a client asset account in that currency and it would be unduly burdensome to open one. Amounts are converted at the rates prevailing when lodged to the Client Asset Account.

Where funds are received, which include funds not qualifying as Client Funds, the total funds are lodged to Wealth Options Limited’s Client Assets Account but an immediate transfer is made of the portion not deemed client funds to a non-client asset account.

At Maturity of your investment, all cheques raised by Bank of Ireland Global Markets will be made payable to you, the investor, and not Wealth Options Limited.

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There are some risks involved in holding your money in a client asset account and these are outlined below along with the measures that Wealth Options have taken in order to try and mitigate these risks.

The principal risks associated with holding your funds in a client assets accounts are as follows:

## Pooled account risk

Under a pooled arrangement, client funds are held along with funds belonging to other clients. The risks associated with this arrangement are: a) a possibility where assets held for one client are temporarily used to meet the settlement obligations of another client; b) in the event of an irreconcilable shortfall, clients may not receive their full entitlement and may share this shortfall in proportion to their original share, or on some other basis in accordance with the applicable law;

**Risk mitigation:** Client asset accounts are subject to regular reconciliations and reporting requirements. On the maturity of your investment funds can only be paid to investors.

## Default Risk

This risk, also known as counterparty risk, is a risk that the counterparty will not pay what it is obligated to pay. The bank may default on its obligations, suffers insolvency or other financial difficulties.

**Risk mitigation:** You can never give a 100% guarantee that a bank will not default on its obligations but all banks used by Wealth Options to hold client assets are subjected to credit worthiness checks.

## Fraud Risk

This risk relates to an intentional misconduct made for personal gain or to damage another individual which may be perpetrated internally or externally to the Firm.

**Risk mitigation:** The Firm’s client asset reconciliations are subject to the “four eyed principle” where two people are responsible for checking the reconciliation. Also, the Firm’s client asset accounts are audited twice a year by an independent auditor.

## Misappropriation of your funds

Your funds are used for a purpose other than for which they were intended to be used for.

**Risk mitigation:** All funds lodged to the Bank are payable to the Bank and not to Wealth Options. On maturity all cheques are made payable to you.

If you have any queries on this content of this document or are uncertain about any aspect of it please contact your Financial Broker or us directly. We recommend that you always get financial advice before entering into a financial commitment.