Dear Sir/ Madam

I am emailing to let you know that BPFI consulted with members in relation to the draft Supplemental Guidance forming part of CP166.

Some members raised points which you subsequently clarified in your webinar of 11th March 2026. We do not have any points to raise with you but thought you might be interested in noting the points which were raised and which you addressed in your webinar.

Table 1 - Relevant Circumstances

We noted that the CBI confirmed that Table 1 "Relevant Circumstances" is a non-exhaustive list and that each case will depend on its own facts and the evidence pertaining to that case. The "Relevant Circumstances" have been drafted to afford as much flexibility and proportionality to a decision maker when considering a case. For example, a single incident of minor carelessness may be treated differently to a pattern of dishonesty.

This clarification addressed a point raised by member banks.

Time Limited Prohibition v Indefinite Prohibition

Member banks had been interested in getting clarification on the criteria for choosing between a time-limited prohibition and an indefinite one and we noted that the CBI made it clear that this will go to the facts of the case, each case will be considered on the basis of the facts and evidence. The CBI can include conditions in a prohibition notice and will consider risk, at the lower end of the scale, where the risk is in the low range, a five year prohibition might be imposed, where there is a bigger risk, an indefinite prohibition may be appropriate.

Date upon which a Prohibition Notice becomes effective

Members also sought clarity around when a prohibition notice becomes effective and this was clear; it is the date upon which it is agreed or confirmed by the Court (publication is irrelevant in this context).

Conclusion

Thank you for the opportunity to engage in the consultation process and for the webinar.

As part of our quarterly Compliance Officers' meeting this month, I presented on the draft Supplemental Guidance and set the context for its publication which is very clear.

Regards

Bernice Evoy

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