



SEASPRAY PRIVATE  
Creating Investment Solutions

# Terms of Business

Effective Date 15th August 2022

These Terms of Business applicable from 15<sup>th</sup> August 2022 set out the general terms under which Seaspray Private (“the Firm”) will provide Financial Advisory services to you and the respective duties and responsibilities of both the Firm and you in relation to such services. Please ensure to read these terms thoroughly and if you have any queries, please contact the Firm for clarification.

## Authorisation and Codes of Conduct

Seaspray Private Limited t/a Seaspray Private is regulated by the Central Bank of Ireland.

Copies of the Firm’s regulatory authorisations are available on request. The Central Bank of Ireland holds registers of regulated firms, and you may contact the Central Bank of Ireland on 01-244 4000 or alternatively visit their website at [www.centralbank.ie](http://www.centralbank.ie) to verify the Firm’s credentials. Our Central Bank Number(s) is: **C458779**. We are also subject to the Consumer Protection Code, Minimum Competency Code and Fitness & Probity Standards which offer protection to consumers. These Codes can also be found on the Central Bank’s website. Seaspray Private is a member of Brokers Ireland and TAG (Trusted Advisor Group).

## Our Services

We are an Insurance and Investment Intermediary. Our principal business is to provide advice and arrange transactions on behalf of our clients in relation to life, pensions & investments. We are not under a contractual obligation to conduct Insurance distribution business exclusively with one or more Insurance Undertakings and do not give advice on the basis of a fair and personal analysis, we do however provide advice from the selection of products provided by the Companies we have agencies with. We recommend the product which in our professional opinion, is best suited to your needs and objectives from this selection of products.

As part of the process when giving our clients advice on Investments we will need to gather information with regards your investment knowledge and experience, if this information is not provided, we will not be in a position to determine whether the product is appropriate for you.

Our principal business is to provide advice and arrange transactions on behalf of clients in relation to Investments, Life & Pensions Products. A full list of Insurers, Product Producers and Lending Agencies with which we hold appointments with is as follows:

Aria Capital Ltd	Irish Life Assurance plc
Apex Group – European Depository Bank S.A.	Independent Trustee Company
Aviva Life & Pensions Ireland Dac	Natixis
BBVA	Newcourt Retirement Fund Managers
BCP Asset Management DAC	New Ireland Assurance Company plc
BlackBee Investments Ltd	Royal London
Broker Solutions	Standard Life
Cantor Fitzgerald Ireland	Société General
Davy	Zurich Life Assurance plc
Greenman Investments	

## Regular Reviews

We may review the policies you take out on a periodic basis to ensure that you are kept informed as to their benefit and to check whether they are still suitable for your needs. As your circumstances change, your needs will change – you should advise the Firm of these changes and request a review of the relevant policies to ensure that you are provided with up-to-date advice and have products best suited to your needs.

## Default on Payments by Clients

We will exercise our legal right to receive payments due to us from clients (fees) for services provided. Product producers may withdraw benefits or cover in the event of default on payments due under policies or other products arranged for you. We would refer you to policy documents or product terms for the details of such provisions.

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[www.seasprayprivate.ie](http://www.seasprayprivate.ie) Tel: 065 671 0507 Registered No. 692221 Registered Address: Main Street, Quin, Co Clare V95E8N4

## Remuneration Structure

We are remunerated for the business services we offer to you our client in a number of ways:

- The Product Producers with whom we place business in the form of a commission payment. Such commissions are a well-established mechanism for brokers to be paid for the services we provide and hence are built into the cost of the product supplied.
- Fee based remuneration for Advisory Services will be agreed in advance and an invoice + VAT will issue directly to you or your representatives as applicable.

Summary details of these payments will be included in the product information document and/or quotation document which you will receive before an application for a product is completed. Full details will be included in your cooling off pack which you will receive from the nominated product producer.

Additional fees may be payable for complex cases or to reflect value, specialist skills or urgency. We will give an estimate of this rate in advance of providing you with services.

It is possible to combine these methods depending on your preferred method for payment. If a fee is to be charged, this will be discussed and agreed prior to the Firm commencing work for you. You will not be charged a fee without prior knowledge of the fee amount or basis.

If by investing in sustainable investment products there are any differences in charges etc., we will advise you of this in advance of advising you on your investment.

A summary of the details of all arrangements for any fee, commission, other reward or remuneration paid or provided to us by the product producers" is available on our website [www.seasprayprivate.ie](http://www.seasprayprivate.ie) or in our offices. If you need further explanation on this information, please do not hesitate to call us.

## Client Monies & Receipts

We request all cheques or negotiable instruments are made payable to the appropriate Product Provider for Life, Pensions, Investment business. We shall issue a receipt for each payment received. These receipts are issued with your protection in mind and should be stored safely. Every effort is made to ensure clients' money is transmitted to the appropriate Product Provider without delay. We are not authorised to accept cash.

The acceptance by Seaspray Private of a completed proposal DOES NOT in itself constitute the effecting of a policy. It is only when the Provider confirms the policy is in place and your policy is live.

## Conflicts of Interest

It is the policy of the Firm to avoid conflicts of interest in providing you with advisory, insurance and investment business services. If this is not possible, we will notify you as soon as practicable after we become aware of the conflict of interest, and you may rest assured that you will be treated fairly where such a conflict is unavoidable. As per above we receive commission from the lenders and companies we have agencies with for the business you transact.

## Disclosure of information

We act as your representative to the companies we have agencies with, and we will provide assistance to you for any queries you may have in relation to the policies or in the event of a claim during the life of the policies and we will explain to you the various restrictions, conditions and exclusions attached to your policy. However, it is your responsibility to read the policy documents, literature and brochures to ensure you understand the nature of the policy cover. Material information about medical history, non-smoker status, occupation category and any hazardous pursuits are central to underwriting decisions and it is imperative all information you provide to the insurer is accurate and complete.

You are under a duty to answer all questions posed by the insurer or ourselves on your behalf, honestly and with reasonable care. It is presumed, unless the contrary is shown, that you would know all questions in an application or at renewal are material to the risk undertaken by the insurer or the calculation of the premium by that insurer, or both. Any failure to disclose material information may invalidate a claim and render your policy void. You must inform and disclose any material information including any material changes that might take place between the time you complete an application form and the time you pay the first premium.

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To assist us in providing you with a comprehensive service and to keep our records as up-to-date as soon as possible, please notify us of any changes to your personal circumstances, e.g., name change, change of address, etc.

### **Sustainable Investing**

We will consider adverse impacts of investment decisions on sustainability factors in our investment and insurance-based Investment advice.

We will gather your preferences of Sustainable Investing and build them into our Statement of Suitability for you. Ultimately, it is the Product Producers we have agencies with that build the Investment Products we advise on, and it will be their documentation we are relying on when advising you on Sustainable investments.

All information re Sustainable Finance Disclosures will be adhered to by the Product Producers and their brochures and documents will outline their disclosures.

### **Complaints**

We have a complaints procedure in place which is available on request. Your complaint can be in writing, email, telephone or face to face. If your complaint is face to face or by phone, we will write to you to confirm our understanding of your complaint.

We will acknowledge your complaint within 5 business days, advising you of the name of the person dealing with your complaint on behalf of the company.

Please address any complaint to Seaspray Private, Main Street, Quin, Co. Clare. If in the event, a complainant is dissatisfied with the outcome of our investigation, you are entitled to refer the matter to the Financial Services & Pensions Ombudsman, Lincoln House, Lincoln Place, Dublin 2, Lo call 01 5677000 or email: [info@fspoi.ie](mailto:info@fspoi.ie)

### **Third Party Presence at Meetings**

The Firm recognises that some customers are experienced investors and may not want or require a third-party presence at meetings. The Firm is always agreeable to the attendance of a third party at a meeting for all customers and would advise a third-party presence for investment products, particularly where the customer has no previous investment experience or in other circumstances such as ill health or bereavement.

### **Data Protection**

Seaspray Private. complies with the requirements of the Data Protection Regulation. The data will be processed only in ways compatible with the purposes for which it was given.

We will provide you with a separate Data Privacy Notice which will outline exactly how, what and where we use your data. We may receive referrals from partner firms and may advise them of any transactions arranged for you.

Please contact [info@seasprayprivate.ie](mailto:info@seasprayprivate.ie) if you have any concerns about your personal data. Records of all transactions will be retained in accordance with current legislation.

In order to provide ongoing financial advice in relation to items which may be of interest the Firm may contact you in the future by way of letter, email or telephone call. Please complete the permission statements in the Terms of Business Acknowledgement letter attached. To review our Privacy Notice please visit [www.seasprayprivate.ie](http://www.seasprayprivate.ie)

### **Investor Compensation Scheme**

The Firm is a member of the Investor Compensation Scheme operated by the Investor Compensation Company Limited ('ICCL'). The Investor Compensation Act, 1998 provides for the establishment of a compensation scheme and the payment, in certain circumstances, of compensation to certain clients (known as eligible investors) of authorised investment firms, as defined in the Act.

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The ICCL was established under the 1998 Act to operate such a compensation scheme and the Firm is a member of this scheme. Compensation may be payable where money or investment instruments owed or belonging to clients and held, or in the case of investment instruments, administered or managed by the Firm cannot be returned to those clients and there is no reasonably foreseeable opportunity of the Firm being able to do so. A right to compensation will arise only.

- If the client is an eligible investor as defined in the Act; and
- If it transpires that the Firm is not in a position to return client money or
- Investment instruments owned or belonging to the clients of the Firm; an
- To the extent that the client's loss is recognised for the purposes of this Act.

The maximum compensation payable under this scheme is the lesser of 90% of the amount of the loss as recognised for the purposes of the Investor Compensation Act, 1998 or compensation up to €20,000. For further information, you can contact the ICCL on 01 224 4955.

### **Governing Law**

These Terms of Business shall be governed by and construed in all respects according to the laws of the Republic of Ireland and will be deemed to cover any successors in business to Seaspray Private.