

The complaint

Mr A complains about ITI Capital Limited (ITI Capital). He said he has been unable to access or decide what to do with shares in a company that it holds for him. Mr A said ITI Capital should give him his shares back or pay compensation equivalent to their worth.

What happened

Mr A held shares in two companies with a broker, that went into administration. Through an appointed administrator, his holdings were transferred over to ITI Capital. Mr A decided to transfer his shares in BP to another broker. Mr A complains that he cannot get access to his other shareholding in a company that was called Rasmala. It has since been renamed G33 Global.

Mr A said his 5201 shares in G33 Global has gone missing and ITI Capital has not given him any assurances or information about them. He would like it to give him access to his shares or compensate him to the equivalent of what they are worth. He complained first to ITI Capital about this and then, not satisfied with its response, he complained to our service.

ITI said to Mr A that it could do no more about his shares in G33 Global and had exhausted all lines of enquiries. It said G33 Global had delisted entirely from an exchange and so Mr A was unable to buy or sell shares in this company. It offered and paid Mr A £100 compensation. It said this was because it took too long to respond to his complaint and also for an error that it said it made in relation to his shares and the registrar.

The investigator asked ITI Capital about G33 Global and Mr A's shareholding. ITI Capital said that it still holds Mr A's 5201 shares in G33 Global, in an account and nothing has disappeared. It said the company had delisted since 2018. It said Mr A's shares cannot be sold or transferred. It said Mr A's shares will be held in an account until such time as the status of G33 Global shares changes. It said as of the present moment they are worthless.

ITI Capital then provided a screenshot to show that it held the shares on behalf of Mr A.

The investigator sent out his view to the parties. He concluded that he didn't think ITI Capital needed to take any further action. He said he could see the shares were still in an account, and this was shown in a screenshot provided by ITI Capital.

The investigator said the shares didn't hold any value, as they had been delisted in 2018, before they were transferred to ITI Capital. He said the shares couldn't be bought or sold and would remain as such until there was a change of status. He said G33 Global had cancelled its crest registration, and neither ITI Capital nor Mr A had been able to get hold of anyone in the company. He said the issues with this company were not specific to Mr A and would be the case for anyone else who held these shares, regardless of the broker.

The investigator said he felt ITI Capital had taken a long time to respond to Mr A's complaint. He could see it had offered £50 to Mr A for this and an additional £50 for removing his shares from the registrar in error. He said he felt £100 offered by ITI Capital to be fair and reasonable. He said otherwise there was nothing else that currently he would expect ITI

Capital to do with the G33 Global shareholding, so he wouldn't be asking it to do anything more.

Mr A was not in agreement with the investigator's view. He said the outcome was disappointing. He said he was not sure where that left him or how he could secure or have oversight of the shares. He asked if ITI Capital could send him a statement that his shares were being held in its account. He said we would like something formal that could prove he still owned them. He said if the status of the company changed how would he be informed of this or know about it. Finally, he added that ITI Capital had not paid £100 to him.

He then sent an additional response and said there was a lack of clarity from ITI Capital about the shares. He said he didn't know how he was able to get access to them and doesn't know what to do now. He said there had been a lack of transparency from ITI Capital about them.

Because the parties are not in agreement, Mr A's complaint has been passed to me, an ombudsman, to look into.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I fully understand Mr A's strength of feeling on this matter and I can understand why he is not happy about his shareholding in G33 Global. But I have to be fair to both parties and I have to decide if ITI Capital has acted reasonably in how it has dealt with the issues Mr A has raised.

In the circumstances and after reading through what I have in front of me, I think it has. I say this because, not only are G33 Global no longer listed and haven't been since 2018 before they were transferred to ITI Capital, but the shares are no longer held in CREST. So, Mr A can't at present sell the shares or transfer them elsewhere.

Furthermore, ITI Capital has explained to our service that it has exhausted options to get in contact with the company, something Mr A has been unable to do either. I asked Mr A about this, and I can see he tried on a number of occasions to contact G33 Global, including visiting its registered offices, sending emails, and making calls. ITI Capital has made attempts to contact the company too. When I see the lengths both parties have gone to, to try and contact the company, I am satisfied ITI Capital has exhausted options with regards to this company at present.

Mr A said he wanted to have access to the shares, but I can see this is not possible until there is contact from G33 Global and either its shares are registered on CREST again or it arranges for the shares to be certificated. Until that time, I don't think ITI Capital are being unreasonable by saying there isn't anything more it can do. In the circumstances, I can see ITI Capital are having to hold the shares, until such time that the company update shareholders about the status of their shares, and this includes Mr A and his holding.

In addition, I'm satisfied that ITI Capital has provided enough information that shows it still holds Mr A's shares within an account. It has provided a screenshot to our service showing this to be the case, displaying the number of shares, company details and Mr A's name. I have contacted ITI Capital and asked it about whether it could send Mr A confirmation of this. It said it would be able to do this, but in any case I have seen enough that it does hold these shares on Mr A's behalf.

ITI Capital has also said it would be in contact with Mr A should there be any change in the status of the shares. It said if the shares were readmitted to CREST, or it hears from the registrar it would contact Mr A. I also asked it to confirm that no other action or contact had been made by the company. ITI Capital said it had not received any contact from the company. In light, of what I have concluded about contact with G33 Global, I am satisfied with what ITI Capital has told our service about this.

In conclusion, I don't think ITI Capital has acted unreasonably or unfairly, in relation to how it has dealt with Mr A's shareholding in G33 Global. I'm also satisfied that it has an appropriate internal record and will contact Mr A should there be any further developments.

Finally, I asked ITI Capital about its offer to pay Mr A £100 compensation for the distress and inconvenience it had caused him. This was in relation to how long it took to respond to his complaint and also an error in relation to the shares. Mr A said he hadn't received the money to date. ITI Capital has told me that it has now paid this amount to Mr A. If Mr A has any further issues about this then he should contact ITI Capital in the first instance, and then our service if he feels there is anything left to resolve with regards to this payment.

I know Mr A will be disappointed by the decision I have made here, and I do empathise with him regarding what has happened with the delisting of the company in question and what has happened since. But Mr A's complaint is about ITI Capital, and I have needed to consider whether it has treated him fairly, when he has contacted it about this company. I think it has, and when it has caused him some distress and inconvenience, I am satisfied its offer and payment was a fair one. So, overall, I am satisfied with what ITI Capital has said it has done and will do for Mr A and so I don't require it to do anything more than what it has agreed to.

My final decision

My final decision is that I do not uphold Mr A's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 3 April 2025.

Mark Richardson
Ombudsman