

The complaint

Mr C complains that Evelyn Partners Investment Management Services Limited (trading as “Bestinvest”) has failed to administer his self-invested personal pension (“SIPP”) in an efficient manner. In particular he complains about how a corporate action was notified and processed in September 2024.

What happened

Mr C holds a SIPP that is provided by Bestinvest. In September 2024 Bestinvest wrote to Mr C to explain that one of the investments he held in his SIPP, shares in Base Resources Limited, were the subject of a corporate action event. It advised the company had announced a proposed scheme of arrangement that was subject to approval at a Court Hearing scheduled later that day. Under the scheme shareholders would receive, eight days later, 0.026 Energy Fuels Inc. shares for every 1 Base Resources Limited share they held. Those who held less than 350,000 shares had the option to elect to have all the new Energy Fuels Inc. shares, to which they were entitled, to be sold for cash at a rate to be confirmed in the future. Mr C was given around 24 hours to decide how to proceed.

The scheme was approved by the Court. And Mr C decided to accept the replacement shares. But it appears that problems were encountered by the share registrar in creating the new register. It told Bestinvest that it would need to recompile the share register as the information it had received from the previous company was incorrect. By February 2025 it seems no progress had been made in allocating the new shares to Mr C’s SIPP. So he complained to Bestinvest about what was happening.

Bestinvest told Mr C that its hands were tied and it was reliant on its sub-custodian, the company, and its registrar to complete the registration of the new shares. It said that whilst it was chasing those parties regularly it couldn’t complete the allocation of the shares to Mr C’s SIPP until their work was completed. Unhappy with that response Mr C brought his complaint to us in April 2025.

Before Mr C’s complaint had been assessed by one of our investigators Bestinvest confirmed that it had now completed the allocation of the new shares to Mr C. Our investigator then reviewed the complaint. He didn’t think that the complaint should be upheld since, although Bestinvest’s communication with Mr C might have been better, it was powerless to ensure that the shares were allocated to him more quickly.

Mr C didn’t agree with that assessment. And he told us that although the shares now appeared to have been added to his SIPP, he was still unable to sell them. So, as the complaint hasn’t been resolved informally, it has been passed to me, an ombudsman, to decide. This is the last stage of our process.

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.

In deciding this complaint I've taken into account the law, any relevant regulatory rules and good industry practice at the time. I have also carefully considered the submissions that have been made by Mr C and by Bestinvest. Where the evidence is unclear, or there are conflicts, I have made my decision based on the balance of probabilities. In other words, I have looked at what evidence we do have, and the surrounding circumstances, to help me decide what I think is more likely to, or should, have happened.

At the outset I think it is useful to reflect on the role of this service. This service isn't intended to regulate or punish businesses for their conduct – that is the role of the Financial Conduct Authority. Instead, this service looks to resolve individual complaints between a consumer and a business. Should we decide that something has gone wrong we would ask the business to put things right by placing the consumer, as far as is possible, in the position they would have been if the problem hadn't occurred.

Mr C holds his pension savings through a SIPP provided by Bestinvest. But there are a number of other parties that are involved in the management of the investment assets that he holds. In simple terms, when Mr C purchases an investment, it is actually owned by a nominee company of SIPP provider. The asset that has been purchased is held (physically or in most cases electronically) by a third-party custodian. And the investment in the case of equities as we see here is reflected in a share register of the company that is held by the registrar appointed by that company.

But this complaint is about the actions of Bestinvest. So, in my decision I can only deal with what Bestinvest did in relation to Mr C's holdings. I cannot make any findings of fault against the other parties here, the custodian, the registrar, or the company in which Mr C had invested.

In September 2024 Mr C held shares in his SIPP in a company called Base Resources Limited. That company entered into a scheme of arrangement. As a result, a corporate action was announced that offered two choices – to accept replacement shares in an alternative company, or to take a cash payment instead. Generally, a corporate action will designate one outcome as the default option – in this case the default, if no election was made, was for the new shares to be allocated.

Bestinvest says that the custodian notified it of the forthcoming corporate action overnight on 11 September. It notified all its affected clients of the event the following morning. The deadline for responses to be received by the custodian was set at 5pm on 13 September. So, to allow time for the collation of responses, Bestinvest asked its clients, including Mr C, for a response by 12pm on 13 September.

I accept that the time Mr C was given to make his election was very short. But that was simply a reflection of the timescales imposed by the registrar and custodian. I don't think Bestinvest introduced any unnecessary delays into the information being provided to Mr C. And I think the same applies to the detail of the corporate action itself. The price that would be paid should the cash option be taken was not defined at that point. But again that wasn't information that had been provided to the market, or to Bestinvest.

The new shares, in a company called Energy Fuels Inc, were immediately tradeable once they had been issued. But it seems there were problems experienced by the registrar in the way it originally registered the new shares – it seems some of the information it was sent by the company was incorrect. So that meant the custodian was unable to allocate the shares to Bestinvest's nominee account, and as a result they couldn't be added to Mr C's SIPP.

I have seen that Bestinvest had regular discussions with the custodian about when the new shares would be allocated to its nominee account. But Bestinvest was entirely reliant on the custodian to perform that action. There was nothing it could do to speed up the process. And from the other information available in the marketplace it appears that other SIPP providers and custodians faced similar problems in the allocation of the new shares.

There is little doubt how frustrating this situation would have been for Mr C. He should have held investments in a company whose share price was showing some volatility. Since the new shares had not been allocated to his account he was unable to take any actions, if he wanted to, that might better manage his investment exposure. But as I have explained above, I don't think those delays were as a result of something that Bestinvest had done, or should have done.

Bestinvest has accepted that at times it didn't respond to Mr C's enquiries as quickly as it would have wanted to. But ultimately I think that has had little bearing on what has gone on here. At most, Bestinvest would have only been able to tell Mr C that it was still awaiting an update from its custodian. Ultimately Mr C would have still been unable to access his new shares, and they wouldn't have been showing in his SIPP.

The allocation of the new shares to Mr C's SIPP was completed on 22 May 2025. But Mr C has told us that he has been unable to instruct any transactions on those shares to date. It doesn't seem that is something that he has discussed with Bestinvest, perhaps reasonably concluding that the problem is related to this complaint.

But following discussions with Bestinvest, that our investigator has recently shared with Mr C, it seems that the shares cannot be managed using the online service. The new shares are denominated in US Dollars. Bestinvest tells us that the online dealing service is only available for GBP assets. But it has told us, and we have shared the information with Mr C, that its client relations team would be able to assist Mr C with the sale of the shares by telephone.

I appreciate that Mr C would prefer to conduct all his transactions on the SIPP using the online service that Bestinvest offers. Here, since he held shares that were originally denominated in GBP, before changing to USD as a result of the corporate action, Mr C might have been unaware of the dealing restrictions. But I don't think that means Bestinvest is actively preventing him from managing his SIPP. It is for Bestinvest to take commercial decisions about the ways in which it offers its services. I haven't seen anything to make me think that Mr C had been given a contractual right for all his transactions to be made via the online platform.

I understand that this decision will be disappointing for Mr C. But I'm satisfied that Bestinvest was not responsible for the late notification of the corporate action event. And the delays to the allocation of the new shares to Mr C's SIPP were entirely outside the control of Bestinvest. The new shares have now been correctly allocated to Mr C's SIPP – should he wish to sell them he would need to do so by telephoning Bestinvest's Client Relations team.

My final decision

For the reasons given above, I don't uphold the complaint or make any award against Evelyn Partners Investment Management Services Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 5 December 2025.

Paul Reilly
Ombudsman