

# LIDIERTH FINANCIAL

YOUR KEY TO INDEPENDENT ADVICE

CASTLEHILL CENTRE  
CASTLEHILL  
CARLOW.

t 059 91 37122

f 059 91 37446

e: [john@lidiirthfinancial.ie](mailto:john@lidiirthfinancial.ie)

w: [www.lidiirthfinancial.ie](http://www.lidiirthfinancial.ie)

## Terms of Business - John Lidiirth t/a Lidiirth Financial

**Legal Name:** John Lidiirth  
**Trading Name:** Lidiirth Financial  
**Address:** Castle Hill Centre, Castle Hill, Carlow  
**Contact Details:** (T) 059 9137122 (M) 087 6290364 (E) [john@lidiirthfinancial.ie](mailto:john@lidiirthfinancial.ie)  
**Effective Date:** 8<sup>th</sup> January 2019

These Terms of Business set out the general terms under which our firm will provide business services to you and the respective duties and responsibilities of both the firm and you in relation to such services. Please ensure that you read these terms thoroughly and if you have any queries we will be happy to clarify them. If any material changes are made to these terms we will notify you.

### Authorisation with the Central Bank of Ireland

John Lidiirth t/a Lidiirth Financial is regulated by the Central Bank of Ireland as an insurance intermediary registered under the European Communities (Insurance Mediation) Regulations, 2005, as a Mortgage Intermediary authorised under the Consumer Credit Act, 1995 and as a Credit Intermediary authorised under the European Union (Consumer Mortgage Credit Agreements) Regulations, 2016. Copies of our regulatory authorisations are available on request. Our Central Bank of Ireland number is 27474

The Central Bank of Ireland holds registers of regulated firms. You may contact the Central Bank of Ireland on 1890 777 777 or alternatively visit their website at [www.centralbank.ie](http://www.centralbank.ie) to verify our credentials.

### Codes of Conduct

The firm is subject to the Consumer Protection Code, Minimum Competency Code and Fitness & Probity Standards which offer protection to consumers. These Codes can be found on the Central Bank's website [www.centralbank.ie](http://www.centralbank.ie).

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## Our Services

Our principal business is to provide advice and arrange transactions on behalf of clients in relation to mortgages, life assurance, pensions, and prsa's (underwritten by insurance undertakings).

## Mortgages

Through the lenders or other undertakings with which we hold an agency, the firm can provide advice on and arrange mortgage products from the following range: fixed-rate mortgages, variable rate mortgages, capital & interest mortgages, interest only mortgages, endowment mortgages, pension mortgages and residential investment property mortgages.

The firm provides mortgage advice on a fair analysis basis (providing services on the basis of a sufficiently large number of contracts and product producers available in the market to enable the firm to make a recommendation, in accordance with professional criteria, regarding which contract would be adequate to meet your needs). The firm currently holds appointments with the following lenders:

- KBC Bank Ireland plc
- Ulster Bank Ireland Limited
- Permanent TSB plc
- Haven Mortgages Limited
- Pepper Finance Corporation (Ireland) DAC
- Dilosk Limited t/a Dilosk and ICS Mortgages
- Seniors Money Mortgages (Ireland) DAC t/a Seniors Money

We will need to collect sufficient information from you before we can offer any advice on housing loans. This is due to the fact that a key issue in relation to mortgage advice is affordability. Such information should be produced promptly upon our request.

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It is important that you and all of the parties in this transaction advise us of all material facts concerning your circumstances. A material fact is one which is likely to influence us in our assessment and recommendations relating to your application for revised repayment terms. If you are in doubt as to whether a fact is material then it should be disclosed.

## **Life & Pensions**

The firm provides life assurance and pensions advice on a fair analysis basis (providing services on the basis of a sufficiently large number of contracts and product producers available in the market to enable the firm to make a recommendation, in accordance with professional criteria, regarding which contract would be adequate to meet your needs).

We provide advice on the following product providers:

Aviva Life Assurance Company

Friends First Life Assurance Company Limited

New Ireland Assurance Company plc

Irish Life Assurance plc

Royal London Life Assurance Company

Zurich Life Assurance Company

## **Non-Life -Income Protection**

The firm provides income protection policies on a fair analysis basis i.e. providing services on the basis of a sufficiently large number of contracts and product producers available on the market to enable us to make a recommendation, in accordance with professional criteria, regarding which contract would be adequate to meet your needs.

## **Permanent Health Insurance (Income Protection)**

In relation to permanent health insurance policies it is our policy to explain to you a) the meaning of disability as defined in the policy; b) the benefits available under the policy; c) the general exclusions that apply to the policy; and d) the reductions applied to the benefit where there are disability payments from other sources.

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## **Serious Illness**

In relation to serious illness policies, we will explain clearly to you the restrictions, conditions and general exclusions that attach to that policy.

## **House Insurance**

The firm currently refers house insurance requests to Brian Mullins Insurance Brokers once we have client consent to do so.

## **Disclosure of Information – All Products**

It is important that you ensure that all information provided on proposal forms, application forms, statement of facts and any other documentation relevant to the service being provided to you is complete and accurate. If you are in doubt as to whether information is relevant or not, please disclose it to us. Failure to disclose any material information could invalidate your cover and could mean that all or part of a claim will not be paid.

## **Remuneration**

The firm is remunerated by commission and other payments from product producers, or lenders on the completion of business. You may choose to pay in full for our services by means of a fee.

Where we receive recurring commission, this forms part of the remuneration for initial advice provided and also for the ongoing management of your policy.

Where we receive commission from a product provider and charge a fee, we do not offset the commission against the fee.

## **Mortgages**

We can receive up to 1% in certain circumstances. Commission can be clawed back by the lender within a three year period.

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## **Life Assurance**

In respect of life assurance the firm may receive commission and other payments from the insurance companies to whom orders are transmitted. Summary details of these payments will be included in a quality information document, which you are legally entitled to receive before an application for a product is completed, and full details will be included with your cooling off letter.

## **Pensions**

As levels of commission vary between Insurers, we will advise clients in advance of any new contract, the exact commission rates payable by the Insurer selected prior to effecting the policy.

## **Non-Life Remuneration**

The firm is remunerated by commission from insurers on completion of business. Details of this remuneration are available on request.

## **Fees**

In certain circumstances it will be necessary to charge a fee for services provided. Additional fees may be payable for complex cases or to reflect value, specialist skills or urgency or you may choose to pay in full for our service by fee. Where fees are chargeable or where you choose to pay in full for our service by fee, we will notify you in writing in advance and agree the scale of the fees to be charged if different from fees outlined.

**Unless stated all fees are payable within 14 days of invoice issued date.**

We do not charge and initial tele – consult fee.

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## Home Loan Fees are charged as follows:

- €200 at application stage. This fee is payable upon submission of the requested mortgage documentation to us;
- €300 at Approval in Principle stage. This fee is payable upon receipt of and Approval in Principle Letter;
- €300 at Loan Offer stage. This fee is payable once your loan offer has issued;
- An additional €100 is payable at the release of each subsequent stage payment (if applicable)

Additional fees are payable for complex cases requiring specialist skills or urgency. We will give an estimate of these fees in advance of providing you with services.

At our absolute discretion we may waive our Approval in Principle and Loan Offer fees, or reduce our This will be agreed in advance however if an Approval in Principle or Loan Offer is secured for you and you subsequently do not finalise your mortgage finance with us, these fees become immediately payable.

Our fee will be notified to the lender who will include this fee into the calculation of the APRC (Annual Percentage Rate Charge).

## Buy to Let Fees are charged as follows:

- €250 to review all mortgage application documentation provide by you so as to establish your suitability to apply for a mortgage. This fee is payable upon submission of the requested mortgage documentation to us;
- €375 to research the market, prepare a credit submission and engage with Lenders on your behalf and obtain indicative lender(s) decision (Approval in Principle or or AIP). This fee is payable upon receipt of an Approval in Principle as outlined prior to Lender submission;
- €375 to progress your application from "AIP" stage and to co-ordinate with all parties to cheque issue. This fee is payable once you loan cheque has issued. An additional €100 is payable at the release of each subsequent stage payment (if applicable).

Additional fees are payable for complex cases requiring specialist skills or urgency. We will give an estimate of these fees in advance of providing you with services.

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## **Commercial Fees are charged as follows:**

For Commercial Loans a completion fee of 0.5% of the loan amount less any fee's already paid is charged upon completion. Fees are charged as follows;

- €500 to review all mortgage application documentation provided by you so as to establish your suitability to apply for a mortgage. This fee is payable upon submission of the requested mortgage documentation to us;
- €1,000 to research the market, prepare a credit submission and engage with Lenders on your behalf and obtain indicative lender(s) decision (Heads of Terms). This fee is payable upon receipt of a Head of Terms;

Additional fees are payable for complex cases requiring specialist skills or urgency. We will give an estimate of these fees in advance of providing you with services.

**PLEASE NOTE that at the absolute discretion of the firm fees may be reduced or waived. However should a service outlined above be provided and you chose not to proceed with our services, then the fees outlines above may become payable regardless of being waived by the firm in the first instance.**

You will be invoiced for any outstanding fees and this invoice should be settled within 14 days from the date of invoice. The firm reserves the right to withdraw any services being provided should you fail to satisfy our payment terms as outlined above.

Please note that Lenders may charge specific fees in certain circumstances. If this applies, these fees will be specified in your Loan Offer. You have the right to pay a fee separately and not include it in the loan.

## **Life, Pensions, Income Protection Fees**

You may elect to deal with us on a fee basis. Consultation services are charged at a rate of €100 per hour or part thereof. Additional fees may be payable for complex cases, specialist skills or urgency. We will give an estimate of this rate in advance of providing you with services.

Where fees are charged, you will be invoiced for any outstanding fees and this invoice should be settled within 14 days from the date of invoice. The firm reserves the right to withdraw any services being provided should you fail to satisfy our payment terms as outlined above.

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## **Regular Reviews**

It is in your best interests that you review, on a regular basis, the products which we have arranged for you. As your circumstances change, your needs will change. You must advise us of those changes and request a review of the relevant policy so that we can ensure that you are provided with up to date advice and products best suited to your needs. Failure to contact us in relation to changes in your circumstances or failure to request a review, may result in you having insufficient insurance cover.

## **Conflicts of interest**

It is the policy of our firm to avoid conflicts of interest in providing services to you. However, where an unavoidable conflict of interest arises we will advise you of this in writing before providing you with any service.

## **Default on payments by clients**

Our firm will exercise its legal rights to receive payments due to it from clients (fees and insurance premiums) for services provided. In particular, without limitation of the generality of the foregoing, the firm will seek reimbursement for all payments made to insurers on behalf of clients where the firm has acted in good faith in renewing a policy of insurance for the client.

Product producers may withdraw benefits or cover in the event of default on payments due under policies of insurance or other products arranged for you. We would refer you to policy documents or product terms for the details of such provisions.

Mortgage lenders may seek early repayment of a loan and interest if you default on your repayments. Your home is at risk if you do not maintain your agreed repayments.



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## **Complaints**

We ask that you make any complaint against our firm, relating to services provided by us, in writing. We will acknowledge your complaint within 5 business days and we will fully investigate it. On completion of our investigation, we will provide you with a written report of the outcome. In the event that you are still dissatisfied with our handling of or response to your complaint, you are entitled to refer the matter to the Financial Services Ombudsman or the Pensions Ombudsman. A full copy of our complaints procedure is available on request.

## **Compensation Scheme**

We are members of the Investor Compensation Scheme operated by the Investor Compensation Company Ltd. See below for details.

## **Investor Compensation Scheme**

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 that Act.

The Investor Compensation Company Ltd. (ICCL) was established under the 1998 Act to operate such a compensation scheme and our firm is a member of this scheme.

Compensation may be payable where money or investment instruments owed or belonging to clients and held, administered or managed by the firm cannot be returned to those clients for the time being and where 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; and
- To the extent that the client's loss is recognised for the purposes of the Act.

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Where an entitlement to compensation is established, the compensation payable will be the lesser of:

- 90% of the amount of the client's loss which is recognised for the purposes of the Investor Compensation Act, 1998; or
- Compensation of up to €20,000.

For further information, contact the Investor Compensation Company Limited at (01) 224 4955.

Communication Policy – communicating with you

Our primary method of written communication with you will be via email once you have confirmed your email address to us. If you wish to receive written communication in a paper format please notify us. All other communication will be wither face to face interaction or verbally or by text message using the contact number(s) you have provided us.

## Data Protection

Please see information on Data Protection immediately after the Acknowledgement below.

## Terms of Business Acknowledgement

### Acknowledgement

I/We acknowledge that I/We have been provided with a copy of the Terms of Business of John Lidiirth t/a Lidiirth Financial including their communication Policy and confirm that I/We have read, understand and consent to it.

**First Applicant:**

**Name:**

**Signature:**

**Date:**

**Second Applicant:**

**Name:**

**Signature:**

**Date:**

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## Data Protection

John Lidiirth t/a Lidiirth Financial complies with the requirements of the General Data Protection Regulation (GDPR) 2018 and the Irish Data Protection Act 2018.

Lidiirth Financial is committed to protecting and respecting your privacy. We wish to be transparent on how we process your data and show you that we are accountable with the GDPR in relation to not only processing your data but ensuring you understand your rights as a client.

The data will be processed only in ways compatible with the purposes for which it was given and as outlined in our Data Privacy Statement, this will be given to all our clients at the time of data collection.

We would also like to keep you informed of mortgage, insurance and any other services provided by us or associated companies with which we have a formal business arrangement; which we think may be of interest to you. If you would like to receive such marketing information please complete the permission statements contained in this letter.

We will ensure that this Privacy Notice is easily accessible. You can access our Data Privacy Statement on our website at [www.lidiirthfinancial.ie](http://www.lidiirthfinancial.ie) , or we can email a copy to you or send a hard copy by post.

Please contact us at 059 91 37122 or email us at [john@lidiirthfinancial.ie](mailto:john@lidiirthfinancial.ie) if you have any concerns about your personal data.

## Privacy Policy Consents, Permissions and Acknowledgements

Here at Lidiirth Financial we take your privacy seriously and will only use your personal information to provide the products and services you have requested from us.

We use your personal information as outlined in our Data Privacy Statement. In order to allow us provide you with the products and services we offer you, we will need your consent to the collection, processing, sharing and storing of your personal information as follows:

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## Mortgage Finance

I/We consent to Lidiertth Financial collecting, processing, sharing and storing my/our personal data as outlined in Lidiertth Financial Data Privacy Statement for the purposes of Lidiertth Financial providing me/us with mortgage finance.

I agree

**First Applicant:**

**Name:**

**Signature:**

**Date:**

I agree

**Second Applicant:**

**Name:**

**Signature:**

**Date:**

## Consent in relation to special category data.

**Life Assurance and associated insurance products (mortgage protection, serious illness cover, income protection, term assurance cover)**

I/We consent to Lidiertth Financial collecting, processing, sharing and storing my/our personal data as outlined in Lidiertth Financial Data Privacy Statement including special category personal information such as health data for the purposes of Lidiertth Financial providing me/us with life assurance and associated insurance products as outlined above.

I agree

**First Applicant:**

**Name:**

**Signature:**

**Date:**

I agree

**Second Applicant:**

**Name:**

**Signature:**

**Date:**

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## **Consent to Contact**

However, from time to time we would like to contact you with details of other mortgage, insurance or related products and services that may be of interest to you.

Note: Please be aware that if you do not consent we will not be able to contact you in relation to other relevant products and services. You may opt out or change your preferences at any stage by emailing [john@lidiirthfinancial.ie](mailto:john@lidiirthfinancial.ie).

If you consent to us contacting you for this purpose please tick to say how you would like us to contact you:

Post  Email  Telephone  Text message  Social Media  Please do not contact me

### **First Applicant:**

**Name:**

**Signature:**

**Date:**

### **Second Applicant:**

**Name:**

**Signature:**

**Date:**

## **Home Insurance**

We would also like to pass your details onto other carefully selected third parties so that they can contact you in relation to home insurance. If you consent to us passing on your details for that purpose please tick to confirm:

Post  Email  Telephone  Text message  Social Media  I do not agree

### **First Applicant:**

**Name:**

**Signature:**

**Date:**

### **Second Applicant:**

**Name:**

**Signature:**

**Date:**