

# Q & A

# INVESTMENT FACTFILE



**KWS**  
Litigation

## FACT SHEET

There are two distinct types of claims:

### 1. LOAN AGREEMENT MIS-SELLING CLAIMS

These claims are substantiated by a UK High Court Judicial Review. This declared the related contracts as unenforceable and stipulated the repayment of all funds including interest and disbursements. As a result, contracts must also be unwound.

- [Click To Read The Review >](#)

### 2. BUSINESS ENERGY CLAIMS

OFGEM, the regulatory authority overseeing the UK energy industry has raised awareness based on their review findings. The evidence suggests a significant number of energy brokers or *Third-Party Intermediaries* (TPIs) recommended energy contracts with undisclosed or hidden commissions.

Unfortunately, these suggested contracts were not in the best interests of the businesses involved. Despite being marketed as the most competitive prices available, in reality, many businesses ended up paying inflated prices.

The resolution of these claims will follow a similar approach to the previously addressed PPI claims, utilising the principles of Plevin Law which had incredible levels of success.

- [Click to Read the Judgment >](#)

## THE SELECTION PROCESS

These claims will undergo scrutiny and evaluation through a thorough three-stage selection process. This process involves initially engaging an FCA-regulated claims management company, followed by a solicitor's assessment and the preparation of an expert report, before ultimately undergoing a review by a Barrister. Leveraging over five decades of litigation funding experience ensures a comprehensive and well-informed claim evaluation process.

## KWS LAW LIMITED

- ✓ Solicitors Regulation Authority (SRA) regulated law firm (SRA number:830165).
- ✓ Neil Davis-Berkeley is the Founder and Managing Director.
- ✓ Caroline June Kerswell is the Solicitor and Director regulated by the SRA.

- [Click to View The Solicitors Regulation Authority Website >](#)

## THE INSURANCE BOND

- Operates within an SRA-compliant model backed by the current case law of England and Wales.
- Offers 100% capital protection.
- Issued through Amberis, a trading style of Parker Colby Insurance Brokers Ltd.
- Parker Colby Insurance Brokers Ltd is authorised and regulated by the Financial Conduct Authority (FCA: 300069).

- [Click To View The Amberis Website >](#)
- [Click To View Parker Colby Insurance Brokers Ltd On Companies House >](#)
- [Click To View Parker Colby Insurance Brokers Ltd On The FCA Financial Services Register >](#)

## OVERALL PROTECTION

- ✓ Investments are protected by an Insurance Bond and Professional Indemnity Insurance.
- ✓ Insurance Bond issued through an FCA-regulated broker.
- ✓ Oversight by the Solicitors Regulation Authority (SRA).
- ✓ Professional indemnity insurance covers the cost of compensating clients for loss or damage resulting from negligent services or advice provided by a business or an individual.

- [Click To View The SRA Insurance Act 2015 Guidance >](#)
- [Click To View The FCA Professional Indemnity Insurance >](#)

## Q&A

### Q. What is the relationship between KWS Law Limited and KWS Litigation?

A. KWS Litigation was founded as a trading style of KWS Law—a specialist litigation division that allows us to provide more choice, innovation and transparency.

### Q. Am I dealing with regulated entities?

A. Yes! KWS Litigation is a solicitor's firm regulated by the Solicitors Regulation Authority (SRA). Our insurance bond is issued through a broker regulated by the Financial Conduct Authority (FCA).

### Q. Is my capital protected?

A. Yes! Your capital is safeguarded through an insurance bond.

### Q. Can the investment exceed 12 months?

A. If your investment extends 12 months, it will be calculated on a daily rate. This ensures you will receive the contracted percentage return until the claim's completion.

### Q. What happens if the claim is unsuccessful?

A. In the event of an unsuccessful claim, KWS Litigation will liaise with the insurer and your invested capital will promptly be returned to you. However, there will be no additional return on your investment.

### Q. Will I receive regular updates?

A. Yes! Regular updates will be provided whenever there are changes in each claim.

### Q. What happens if the financial institution or energy company goes bankrupt?

A. Financial institutions and energy companies have implemented various instruments to protect claimants in such scenarios.

### Q. Are these claims supported by the High Courts?

A. Yes! The parameters for these claims have been established by the High Courts and both the Claims Management Company and KWS Litigation meticulously adhere to them.

### Q. When will I receive my capital and returns on my investment?

A. Your funds will be paid to you within 10 working days of KWS Litigation receiving payment from the settlement of the claim.

## INVESTMENT OVERVIEW

Please note: this is a brief explanation. More detailed information can be found in the Investment Memorandum.

**For investor peace of mind, KWS Law is regulated by the Solicitors Regulation Authority (SRA). At the same time, the policy is underwritten by leading, regulated insurance bond providers and issued through FCA-regulated brokers.**

- Minimum investment: £18,000, generating a 20% return.
- Pro Rata Returns: between 20% and 25% per annum, depending on the amount invested. Please see below for financial examples.
- Duration: the anticipated term for each case conclusion is 12 months.
- Success Rate: a judicial review secured a positive outcome for these litigation claims.
- Risk protection: The investment is Insured by an insurance bond, issued by an FCA-regulated insurance broker.
- Prospect Database: vast access to a legitimate interest database of meritable prospects awaiting funding.
- ROI: a daily rate applies from 14 days of your funds clearing the KWS client account.
- Stringent Selection Process: maximising success rates and delivering positive outcomes.

### Example One

Total Capital Invested:	£18,000.00
Total Cases Funded:	1
Number of Successful Cases:	1
Number of Unsuccessful Cases:	0
Return on Investment (Annual Percentage):	20%
Annual (Pro Rata) ROI:	£3,600.00
Daily Rate (Pro Rata):	£9.87
<b>Total Return (Inc capital):</b>	<b>£21,600.00</b>

### Example Two

Total Capital Invested:	£72,000.00
Total Cases Funded:	4
Number of Successful Cases:	4
Number of Unsuccessful Cases:	0
Return on Investment (Annual Percentage):	25%
Annual (Pro Rata) ROI:	£18,000.00
Daily Rate (Pro Rata):	£49.51
<b>Total Return (Inc capital):</b>	<b>£90,000.00</b>

### Example Three

Total Capital Invested:	£36,000.00
Total Cases Funded:	2
Number of Successful Cases:	2
Number of Unsuccessful Cases:	0
Return on Investment (Annual Percentage):	22%
Annual (Pro Rata) ROI:	£7,920.00
Daily Rate (Pro Rata):	£21.70
<b>Total Return (Inc capital):</b>	<b>£43,920.00</b>

### \*Example Four

Total Capital Invested:	£72,000.00
Total Cases Funded:	4
Number of Successful Cases:	3
Number of Unsuccessful Cases:	1
Return on Investment (Annual Percentage):	25%
Annual (Pro Rata) ROI:	£13,500.00
Daily Rate (Pro Rata):	£36.99
<b>Total Return (Inc capital, ROI &amp; insurance bond indemnity):</b>	<b>£85,500.00</b>

\* In the unlikely event a case is unsuccessful, the principal sum is returned via your insurance bond

Please note: the above information is not exhaustive and is intended as an outline only and may be subject to change in the future. Further, nothing in this section constitutes investment, tax or legal advice. The illustrative tables above are examples only and are not indicative of actual cases.

## INVESTOR HIGHLIGHTS

- The average term is 12 months, in contrast to the significantly longer timeframes associated with typical private equity deals.
- The investment has no direct correlation with conventional financial markets, safeguarding against market fluctuations and volatility.
- The stringent process only accepts cases vetted by an FCA-regulated claims management company, along with legal opinion from an independent barrister confirming the highest probability of a successful outcome.
- The litigation and consumer protection regulatory requirements are compliantly adhered to throughout the process.
- The High Court's decision to uphold the Finance Ombudsman Service's ruling sets a legal precedent and carries ultimate legal weight.
- The unique nature of litigation funding carries the potential to generate notably larger returns when compared to other alternative asset classes.
- The investor receives the principal amount along with the pro rata annual rate on completion of a successful outcome.
- The investor receives the principal amount invested via the insurance bond, in the unlikely event that a case is unsuccessful.
- The option to reinvest at any stage.

## MARKET SIZE & EXPANSION

The consumer litigation investment sector has witnessed significant growth, driven by an upsurge in consumers pursuing compensation for a spectrum of issues encompassing mis-selling, data breaches and violations of consumer rights. Research conducted by law firm Reynolds Porter Chamberlain LLP reveals the top 15 UK litigation funders reported record assets of £2.2 billion on their balance sheets in 2020/21, signifying an 11% increase from the preceding year.

## FOR MORE INFORMATION, PLEASE CONTACT:

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### DISCLAIMER

Before proceeding with this opportunity, it is advisable to thoroughly understand the specifics of the non-market-dependent investment and consult a financial advisor to ensure alignment with your financial goals and risk tolerance. Your understanding of potential risk factors is crucial for making informed investment decisions. If you have any concerns or questions, please do not hesitate to seek clarification from our team. The content of this promotion has not been approved by an authorised person within the meaning of the Financial Services and Markets Act 2000. Reliance on this promotion to engage in any investment activity may expose an individual to a significant risk of losing all of the property or other assets invested. KWS Litigation., is not authorised to give financial advice. As such, any person accessing the document and considering potential investment opportunities featured within this document should make their commercial assessment of an investment opportunity after seeking the advice of an appropriately authorised or regulated financial advisor. The investment is reserved for those that qualify as suitable; restricted investors, high-net-worth individuals or investors that certify as sophisticated. This document should not be construed as advice or a personal recommendation to any prospective investor.