



Financial Services and Markets Act 2000

2000 CHAPTER 8

PART XVI

THE OMBUDSMAN SCHEME

Funding

234 Industry funding.

(1) For the purpose of funding—

- (a) the establishment of the ombudsman scheme (whenever any relevant expense is incurred), and
- (b) its operation in relation to the compulsory jurisdiction,

the Authority may make rules requiring the payment to it or to the scheme operator, by authorised persons or any class of authorised person [^{F1}, any electronic money issuer within the meaning of the Electronic Money Regulations 2011][^{F2}or any payment service provider within the meaning of the Payment Services Regulations 2009] of specified amounts (or amounts calculated in a specified way).

(2) “Specified” means specified in the rules.

Textual Amendments

- F1** Words in s. 234(1) inserted (9.2.2011 for certain purposes and 30.4.2011 otherwise) by [The Electronic Money Regulations 2011](#) (S.I. 2011/99), regs. 1(2)(a)(xv)(b), 79, [Sch. 4 para. 2\(3\)\(b\)](#) (with reg. 3)
- F2** Words in s. 234(1) inserted (2.3.2009 for certain purposes, 1.5.2009 for certain further purposes and 1.11.2009 otherwise) by [The Payment Services Regulations 2009](#) (S.I. 2009/209), regs. 1(2), 126, [Sch. 6 para. 1\(1\)\(b\)](#) (with reg. 3)

Modifications etc. (not altering text)

- C1** S. 234(1) amended (1.12.2001) by [S.I. 2001/2326](#), [arts. 1\(1\)\(b\)](#), 12(1); [S.I. 2001/3538](#), [art. 2\(1\)](#)

Status: Point in time view as at 01/07/2011.

Changes to legislation: Financial Services and Markets Act 2000, Cross Heading: Funding is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

C2 S. 234(1) extended (31.10.2004 for certain purposes and 14.1.2005 otherwise) by [The Financial Services and Markets Act 2000 \(Transitional Provisions\) \(Complaints Relating to General Insurance and Mortgages\) Order 2004 \(S.I. 2004/454\)](#), arts. 1(2), **6(1)**

^{F3}**Funding by consumer credit licensees etc.**

^{F3}**234A**

- (1) For the purpose of funding—
 - (a) the establishment of the ombudsman scheme so far as it relates to the consumer credit jurisdiction (whenever any relevant expense is incurred), and
 - (b) its operation in relation to the consumer credit jurisdiction,
 the scheme operator may from time to time with the approval of the Authority determine a sum which is to be raised by way of contributions under this section.
- (2) A sum determined under subsection (1) may include a component to cover the costs of the collection of contributions to that sum (“collection costs”) under this section.
- (3) The scheme operator must notify the OFT of every determination under subsection (1).
- (4) The OFT must give general notice of every determination so notified.
- (5) The OFT may by general notice impose requirements on—
 - (a) licensees to whom this section applies, or
 - (b) persons who make applications to which this section applies,
 to pay contributions to the OFT for the purpose of raising sums determined under subsection (1).
- (6) The amount of the contribution payable by a person under such a requirement—
 - (a) shall be the amount specified in or determined under the general notice; and
 - (b) shall be paid before the end of the period or at the time so specified or determined.
- (7) A general notice under subsection (5) may—
 - (a) impose requirements only on descriptions of licensees or applicants specified in the notice;
 - (b) provide for exceptions from any requirement imposed on a description of licensees or applicants;
 - (c) impose different requirements on different descriptions of licensees or applicants;
 - (d) make provision for refunds in specified circumstances.
- (8) Contributions received by the OFT must be paid to the scheme operator.
- (9) As soon as practicable after the end of—
 - (a) each financial year of the scheme operator, or
 - (b) if the OFT and the scheme operator agree that this paragraph is to apply instead of paragraph (a) for the time being, each period agreed by them,
 the scheme operator must pay to the OFT an amount representing the extent to which collection costs are covered in accordance with subsection (2) by the total amount of the contributions paid by the OFT to it during the year or (as the case may be) the agreed period.

Status: Point in time view as at 01/07/2011.

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- (10) Amounts received by the OFT from the scheme operator are to be retained by it for the purpose of meeting its costs.
- (11) The Secretary of State may by order provide that the functions of the OFT under this section are for the time being to be carried out by the scheme operator.
- (12) An order under subsection (11) may provide that while the order is in force this section shall have effect subject to such modifications as may be set out in the order.
- (13) The licensees to whom this section applies are licensees under standard licences which cover to any extent the carrying on of a type of business specified in an order under section 226A(2)(e).
- (14) The applications to which this section applies are applications for—
 - (a) standard licences covering to any extent the carrying on of a business of such a type;
 - (b) the renewal of standard licences on terms covering to any extent the carrying on of a business of such a type.
- (15) Expressions used in the Consumer Credit Act 1974 have the same meaning in this section as they have in that Act.]]

Textual Amendments

- F3** S. 234A inserted (16.6.2006) by [Consumer Credit Act 2006 \(c. 14\)](#), **ss. 60, 71(2)**; [S.I. 2006/1508](#), **art. 3(1)**, [Sch. 1](#)

Status:

Point in time view as at 01/07/2011.

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