
STATUTORY INSTRUMENTS

2001 No. 2326

The Financial Services and Markets Act
2000 (Transitional Provisions) (Ombudsman
Scheme and Complaints Scheme) Order 2001

Investigation of complaints against the Authority etc.

Transitional complaints against the Authority etc.

- 18.**—(1) The Authority may, if it considers it appropriate—
- (a) make arrangements (“the transitional complaints scheme”) for the investigation of complaints—
 - (i) arising in connection with the exercise before commencement of any functions conferred on the Authority by or under any enactment, or the failure to exercise any such functions before commencement; or
 - (ii) against any recognised self-regulating organisation (within the meaning of the Financial Services Act 1986) in respect of any act or omission occurring before commencement; and
 - (b) appoint one or more independent persons (“transitional investigators”) to be responsible for the conduct of investigations in accordance with the transitional complaints scheme.
- (2) If the Authority exercises the power in paragraph (1)—
- (a) sub-paragraphs (2) to (14) of paragraph 7 of Schedule 1 (arrangements for the investigation of complaints) apply—
 - (i) in relation to the transitional complaints scheme as they apply in relation to the complaints scheme mentioned in paragraph 7(1)(a) of Schedule 1; and
 - (ii) in relation to a transitional investigator as they apply in relation to the investigator mentioned in paragraph 7(1)(b) of that Schedule;
 - (b) the Authority may provide in the transitional complaints scheme for such provisions of paragraph 8 of that Schedule as it considers appropriate to apply in relation to that scheme;
 - (c) the investigator mentioned in paragraph 7(1)(b) of that Schedule may be (but need not be) appointed also as a transitional investigator; and
 - (d) the reference, in Part 1 of Schedule 1 to the Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001(1), to the investigator appointed by the Authority in accordance with paragraph 7 of Schedule 1 to the Act includes a person appointed as a transitional investigator in accordance with this article.
- (3) The reference in paragraph 7(1)(a) of Schedule 1 to functions of the Authority does not include the functions conferred by this article.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
