
STATUTORY INSTRUMENTS

2001 No. 2326

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

The Ombudsman Scheme

Procedure applying to relevant complaints

4.—(1) In paragraph 13(1) of Schedule 17 (time limits for making complaints)—

- (a) the reference to “a complaint” is to be taken to include a relevant complaint;
- (b) the reference to “the ombudsman scheme” is, in relation to a relevant existing complaint, to be taken to mean the former scheme in question; and
- (c) the reference to “the ombudsman scheme” is, in relation to a relevant new complaint, to be taken to mean the new scheme as it applies to such complaints by virtue of this Order.

(2) Paragraph 13(2) of Schedule 17 (discretion for ombudsman to extend time limits) is to be taken to require an ombudsman to extend any time limit applying to a relevant complaint by virtue of paragraph (1) where—

- (a) the complaint is a relevant existing complaint, or is a relevant new complaint referred to the new scheme not later than twelve months after commencement; and
- (b) the effect of the extension is that the time limit applying to the complaint is the same as that which would have applied under the former scheme in question as it had effect immediately before commencement;

but subject to that, paragraph 13(2) of Schedule 17 applies in relation to relevant complaints as it applies in relation to complaints of the kind mentioned in section 226(1) (compulsory jurisdiction).

(3) In paragraph 13(3) of Schedule 17 (rules requiring complaint to be first communicated to the respondent), the reference to “a complaint” is to be taken to include a relevant complaint.

(4) In paragraph 13(4) of Schedule 17 (rules requiring the maintenance of complaint procedures), the reference to complaints which may be referred to the scheme is to be taken to include—

- (a) relevant existing complaints; and
- (b) any complaint which may be referred to the scheme as a relevant new complaint.