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STATUTORY INSTRUMENTS

2004 No. 1609

FINANCIAL SERVICES AND MARKETS

**The Financial Services and Markets Act 2000
(Transitional Provisions) (Complaints Relating to General
Insurance and Mortgages) (Amendment) Order 2004**

<i>Made</i>	- - - -	<i>24th June 2004</i>
<i>Laid before Parliament</i>		<i>24th June 2004</i>
<i>Coming into force</i>	- -	<i>15th July 2004</i>

The Treasury, in exercise of the powers conferred upon them by sections 426 to 428 of the Financial Services and Markets Act 2000(1) hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) (Amendment) Order 2004.

(2) This Order comes into force on 15th July 2004.

(3) In this Order, “the principal Order” means the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order 2004(2).

Amendments to the principal Order

2.—(1) Article 1(3) of the principal Order is amended as follows.

(2) In the definition of “new scheme”, for “(the ombudsman service)” substitute “(the ombudsman scheme)”.

(3) In the definition of “relevant commencement date”, omit “the beginning of” from paragraphs (a) and (b).

3.—(1) Article 2(1) of the principal Order is amended as follows.

(1) 2000 c. 8.
(2) S.I. 2004/454.

(2) Insert “on or” before “after the relevant commencement date”.

4. Article 10 of the principal Order is revoked.

5.—(1) Article 11(5) of the principal Order is amended as follows.

(2) For “after commencement” substitute “on or after the relevant commencement date”.

Insertion of article 12 of the principal Order

6. After article 11 of the principal Order, insert—

“Application of rules etc. in relation to relevant matters

12.—(1) If the Authority proposes to make any rules or give guidance in relation to relevant matters, sections 155 and 157(3) of the Act do not apply to the proposed rules or guidance.

(2) When the scheme operator proposes to make any scheme rules in relation to relevant matters, sub-paragraphs (4) to (6) of paragraph 14 of Schedule 17 to the Act do not apply to the proposed rules.

(3) In this article, “relevant matters” means—

(a) the effect of this Order;

(b) the application of rules or guidance made or to be made before the relevant commencement date relating to relevant transitional complaints.”.

24th June 2004

Jim Murphy
Joan Ryan
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order 2004 (S.I. [2004/454](#)) (“the principal Order”).

This Order corrects several errors in the principal Order in relation to the commencement date and revokes article 10 of the principal Order which provided for the application of the definition of “consumer” under the Act to customers of firms against whom complaints could be made before commencement of the principal Order which are dealt with under the new scheme pursuant to the principal Order (“transitional complaints”). This provision is now unnecessary in view of rules to be made by the Financial Services Authority.

This Order adds article 12 to the principal Order which relieves the Authority of its duty to consult on new rules or guidance under sections 155 and 157(3) of the Act in relation to the effect of this Order and the application of rules and guidance made or to be made before the commencement date of the principal Order to persons against whom transitional complaints may be made. Similar provision is made in relation to rules made by the scheme operator of the Financial Ombudsman Scheme.