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STATUTORY INSTRUMENTS

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**2004 No. 454**

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

**Scheme rules applying to relevant transitional complaints**

4.—(1) In paragraph 14 of Schedule 17 to the Act (the scheme operator’s rules)—

- (a) references to “complaints” are to be taken to include relevant transitional complaints;
- (b) sub-paragraph (2)(a) (matters which are to be taken into account in making determinations) does not apply to a relevant transitional complaint.

(2) In deciding whether a relevant transitional complaint is to be dismissed without consideration of its merits as mentioned in paragraph 14(2)(b) of that Schedule, an ombudsman must take into account whether an equivalent complaint would have been so dismissed under the former scheme in question, as it had effect immediately before the relevant commencement date; and any scheme rules made under paragraph 14(2)(b) and (3) of that Schedule (rejection of a complaint without consideration of its merits) are to be construed accordingly.