
STATUTORY INSTRUMENTS

2004 No. 454

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

Determination of relevant transitional complaints

5.—(1) Sections 228 to 232 of the Act apply in relation to a relevant transitional complaint as they apply in relation to a complaint of the kind mentioned in section 226(1) of the Act (compulsory jurisdiction), subject to paragraph (2).

(2) In determining, in relation to a relevant transitional complaint—

- (a) what is fair and reasonable in all the circumstances of the case, for the purposes of section 228(2) of the Act, and
- (b) what amount (if any) constitutes fair compensation for the purposes of section 229(2)(a) of the Act,

an ombudsman is to take into account what determination might have been expected to be made under the former scheme in question, and what amount (if any) might have been expected to be awarded or recommended by way of compensation under that scheme, in relation to an equivalent complaint dealt with under the former scheme immediately before the relevant commencement date.