



Financial Services Act 2012

2012 CHAPTER 21

PART 6

INVESTIGATION OF COMPLAINTS AGAINST REGULATORS

85 Relevant functions in relation to complaints scheme

- (1) This section has effect for the interpretation of the reference in section 84(1)(a) to the relevant functions of the regulators.
- (2) The relevant functions of the FCA or the PRA are its functions other than its legislative functions.
- (3) The relevant functions of the Bank of England are its functions under Part 18 of FSMA 2000 (recognised clearing houses) or under Part 5 of the Banking Act 2009 (inter-bank payment systems), other than its legislative functions.
- (4) For the purposes of subsection (2), the following are the FCA's legislative functions—
 - (a) making rules under FSMA 2000;
 - (b) issuing codes under section 64 or 119 of FSMA 2000;
 - (c) issuing statements under—
 - (i) section 63C, 64, 69, 88C, 89S, 93, 124, 131J, 138N, 192H, 192N, 210 or 312J of FSMA 2000,
 - (ii) section 345D of FSMA 2000 (whether as a result of section 345(2) or 345A(3) or section 249(1) of that Act), or
 - (iii) section 80 of the Financial Services Act 2012;
 - (d) giving directions under section 316, 318 or 328 of FSMA 2000;
 - (e) issuing general guidance, as defined in section 139B(5) of FSMA 2000.
- (5) For the purposes of subsection (2), the following are the PRA's legislative functions—
 - (a) making rules under FSMA 2000;
 - (b) issuing codes under section 64 of FSMA 2000;
 - (c) issuing statements under—

Status: This is the original version (as it was originally enacted).

- (i) section 63C, 64, 69, 192H, 192N, 210 or 345D of FSMA 2000, or
 - (ii) section 80 of the Financial Services Act 2012;
 - (d) giving directions under section 316 or 318 of FSMA 2000;
 - (e) issuing guidance under section 2I of FSMA 2000.
- (6) For the purposes of subsection (3), the following functions of the Bank of England under Part 18 of FSMA 2000 are legislative functions—
- (a) making rules;
 - (b) issuing statements—
 - (i) under section 312J, or
 - (ii) by virtue of the application by Schedule 17A of a provision mentioned in subsection (5)(c)(i) of this section.
- (7) For the purposes of subsection (3), the following functions of the Bank of England under Part 5 of the Banking Act 2009 are legislative functions—
- (a) publishing principles or codes of practice under sections 188 and 189;
 - (b) preparing statements under section 198(3).