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DRAFT STATUTORY INSTRUMENTS

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**2013 No.**

**The Financial Services and Markets Act 2000  
(Regulated Activities) (Amendment) (No.2) Order 2013**

**PART 3**

**Amendments of the Act etc.**

**Transitional and savings provisions related to article 10**

**11.**—(1) This article makes provision in connection with the amendments to the Act made by article 10.

(2) The amendments to sections 1H and 404E do not apply in so far as those provisions relate to, or apply for the purposes of, anything done under the Act concerning things done (or not done) before 1st April 2014.

(3) The repeal of section 194(2) to (4) does not affect the continued validity of any requirement imposed under section 194(3).

(4) The repeal of sections 203 and 204 and Schedule 16 does not affect the continued validity of any prohibition or restriction imposed; and in relation to such a prohibition or restriction, sections 203(6) and (7) and 204(3) and Schedule 16 continue to apply as if each reference to the OFT were a reference to the FCA.

(5) A complaint made under the ombudsman scheme before 1st April 2014 and being dealt with under section 226A (consumer credit jurisdiction) is to be dealt with under section 226 (compulsory jurisdiction)

(6) It is immaterial for the purposes of paragraph (5) that the conditions mentioned in section 226(2) are not satisfied.

(7) A complaint made under the ombudsman scheme on or after 1st April 2014—

- (a) which relates to an act or omission which took place before 1st April 2014,
- (b) which could have been dealt with under the ombudsman scheme under section 226A (disregarding the effect of section 226A(2)(a) and (b)) but for the repeal of that section, and
- (c) in relation to which the condition mentioned in section 226(2)(a) is satisfied,

is to be dealt with under the ombudsman scheme under section 226 (compulsory jurisdiction).

(8) It is immaterial for the purposes of paragraph (7) that the conditions mentioned in section 226(2)(b) and (c) are not satisfied.

(9) Contributions received by the scheme operator under section 234A (funding by consumer credit licensees etc.) may be used by the scheme operator for the purpose of funding its operation in relation to complaints of the kind referred to in paragraph (5) or (7) and other complaints dealt with under the ombudsman scheme by virtue of section 226.

(10) The repeal of paragraph 23 of Schedule 3 does not affect the continued validity of anything done under section 55L or 55M.