
STATUTORY INSTRUMENTS

2001 No. 2326

The Financial Services and Markets Act
2000 (Transitional Provisions) (Ombudsman
Scheme and Complaints Scheme) Order 2001

The Ombudsman Scheme

Scheme rules applying to relevant complaints

5.—(1) In paragraph 14 of Schedule 17 (the scheme operator’s rules), references to “complaints” are to be taken to include relevant complaints.

(2) Paragraph (1) is subject to the following—

- (a) paragraph 14(2)(a) of Schedule 17 (matters to be taken into account in making determinations) does not apply to a relevant existing complaint (as to which see article 6(2));
- (b) so far as relating to relevant new complaints, scheme rules made under that paragraph are subject to article 7(2);
- (c) in deciding whether a relevant complaint is to be dismissed without consideration of its merits as mentioned in paragraph 14(2)(b) of that Schedule, an ombudsman is to take into account whether an equivalent complaint would have been so dismissed under the former scheme in question, as it had effect immediately before commencement; 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 read accordingly.