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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**

**Application of definition of “consumer” to customers of firms before commencement**

**10.**—(1) In section 138 of the Act (Authority’s general rule-making power)<sup>(1)</sup>, “consumers” includes (in addition to persons defined as “consumers” in subsection (7)) persons—

- (a) who before commencement used services provided by a person (“P”) who was, in relation to those services, subject to a former scheme;
- (b) who have rights or interests which are derived from or are otherwise attributable to, the use of such services by other persons; or
- (c) who have rights or interests which may be adversely affected by the use of any such services by persons acting on their behalf or in a fiduciary capacity in relation to them.

(2) The definition of “consumers” in paragraph (1) is referred to in this article as “the extended definition”.

(3) For the purposes of the extended definition, subsections (8) and (9) of section 138 of the Act apply as if—

- (a) references to an authorised person were references to P; and
- (b) references to carrying on a regulated activity were references to activities to which the former scheme applied.

(4) The extended definition applies only for the purposes of section 5(3) (the protection of consumers), section 10(7) (the Consumer Panel), section 14(5) (cases in which the Treasury may arrange independent inquiries), section 186(6) (objection to acquisition of control) and section 391(11) (publication of notices) of the Act.

(5) But the extended definition does not apply for the purposes of paragraph 1 of Schedule 4 to the Act (Treaty rights).