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STATUTORY INSTRUMENTS

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**2018 No. 1253**

**The Financial Services and Markets Act 2000  
(Claims Management Activity) Order 2018**

**PART 3**

Transitional provisions

**CHAPTER 4**

Complaints: the Legal Ombudsman and the Financial Ombudsman Service

**Complaints made before 1st April 2019 not concluded by that date**

**69.**—(1) This article applies to a complaint which—

- (a) was referred under the former scheme before 1st April 2019 by a person who was at that time entitled under the terms of the former scheme to refer the complaint;
- (b) relates to the provision of claims management services (within the meaning given in section 4(2) of the 2006 Act); and
- (c) was not concluded on 1st April 2019.

(2) Subject to articles 71 and 72, a relevant existing complaint is to be dealt with as if it had been referred under the new scheme in compliance with rules made by the FCA under paragraph 13 of Schedule 17(1) to the 2000 Act.

(3) For the purposes of paragraph (1), except where paragraph (5) applies, a complaint is to be treated as concluded on 1st April 2019 where, before that date—

- (a) the complainant notified the ombudsman of the complainant's rejection of a determination under section 137 of the 2007 Act (determination of complaints);
- (b) the complainant accepted a determination under that section, and any direction contained in the determination was fully complied with;
- (c) the complaint was resolved otherwise than by a determination under that section, and any direction or agreement forming part of the resolution was fully complied with;
- (d) the complaint was dismissed in accordance with provision made in scheme rules under section 133(3)(a) of the 2007 Act; or
- (e) the complaint was referred with the consent of the complainant to another body in accordance with provision made in scheme rules under section 133(3)(b) of the 2007 Act.

(4) For the purposes of paragraph (3)(b) the cases in which a direction contained in the determination of a complaint was fully complied with include a case where, in relation to such a direction, the court has not yet heard an application under section 141(2) or (3) of the 2007 Act (enforcement by complainant of directions under section 137 of that Act).

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(1) Paragraph 13 of Schedule 17 was amended by the Financial Services Act 2012 (c. 21), section 39 and by S.I. 2009/209, 2011/99, 2015/542, and 2017/752.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (5) This paragraph applies where, in relation to a complaint referred under the former scheme—
- (a) an ombudsman did not decide, before 1st April 2019, whether the respondent would be required to pay a charge under rules made in compliance with section 136(1) of the 2007 Act; or
  - (b) an ombudsman did, before that date, require the respondent to pay such a charge and the charge has not been paid.
- (6) For the purposes of paragraph (2) it is immaterial that the condition set out in section 226(2) (c) of the 2000 Act (compulsory jurisdiction) is not met in relation to the complaint.