
STATUTORY INSTRUMENTS

2021 No. 90

The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2021

PART 3

Transitional provisions: complaints relating to funeral plans

Complaints made on or after the relevant date about acts or omissions before that date

7.—(1) A relevant complaint is a complaint—

- (a) about an act or omission which occurred before the relevant date;
- (b) which had not, before that date, been referred under the former scheme; and
- (c) in relation to which the conditions set out in paragraph (2) are met.

(2) The conditions are that—

- (a) the complaint is about an act or omission of a person who, at the time of that act or omission, was subject to the former scheme (regardless of whether they later ceased to be subject to it);
- (b) the act or omission occurred in the carrying on by that person of an activity to which the former scheme applied; and
- (c) in relation to the compulsory jurisdiction, the complainant is eligible within the meaning given in section 226(6) of the Act and wishes to have the complaint dealt with under the new scheme.

(3) For the purposes of paragraph (2)(c), where the complainant is not eligible in accordance with the compulsory jurisdiction rules, an ombudsman may nonetheless, if the ombudsman considers it appropriate, treat the complainant as eligible if the complainant would have been entitled, at any time before the relevant date, to refer to the former scheme operator an equivalent complaint.

(4) A relevant complaint—

- (a) may be referred for determination under the new scheme; and
- (b) upon referral is, subject to article 9, to be dealt with in the same way as any other complaint referred under the new scheme.

(5) For the purposes of paragraph (4), it is immaterial that the conditions set out in section 226(2)(b) and (c) of the Act are not met in relation to the complaint.

Commencement Information

11 Art. 7 in force at 28.1.2021 for specified purposes, see [art. 1\(2\)](#)

12 [Art. 7](#) in force at 29.7.2022 in so far as not already in force, see [art. 1\(3\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2021, Section 7.