
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

Determination of relevant complaints

9.—(1) Subject to paragraphs (2) and (3), sections 228 to 230A of the Act apply in relation to the determination of a relevant complaint as they apply in relation to the determination of a complaint of the kind mentioned in section 226(1) (compulsory jurisdiction).

(2) In determining, in relation to a relevant complaint—

- (a) what is fair and reasonable in all the circumstances of the case, for the purposes of section 228(2) of the Act;
- (b) what amount, if any, constitutes fair compensation for loss and damage suffered by the complainant, for the purposes of section 229(2)(a) of the Act; and
- (c) what steps would be just and appropriate in any direction under section 229 of the Act, for the purposes of section 229(2)(b),

an ombudsman may also take into account the matters set out in paragraph (3).

(3) The matters referred to in paragraph (2) are—

- (a) what the former scheme operator, seeking to resolve the complaint under the former scheme rules, might have recommended in the particular circumstances of the case;
- (b) what amount, if any, the former scheme operator, seeking to resolve the complaint under the former scheme rules, might have recommended that the respondent should pay under the former scheme rules; and
- (c) what other steps the former scheme operator, seeking to resolve the complaint under the former scheme rules, might have recommended that the respondent should take under the former scheme rules.

Commencement Information

I1 Art. 9 in force at 28.1.2021 for specified purposes, see [art. 1\(2\)](#)

I2 [Art. 9](#) 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 9.