

**DISPUTE RESOLUTION: COMPLAINTS (AMENDMENT NO 4)
INSTRUMENT 2011**

Powers exercised by the Financial Ombudsman Service Limited

- A. The Financial Ombudsman Service Limited makes the rules in the Annex to this instrument for licensees relating to the Consumer Credit Jurisdiction and for VJ participants relating to the Voluntary Jurisdiction in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 226A (Consumer credit jurisdiction); and
 - (2) section 227 (Voluntary jurisdiction).
- B. The making of these rules by the Financial Ombudsman Service Limited is subject to the consent and approval of the Financial Services Authority.

Powers exercised by the Financial Services Authority

- C. The Financial Services Authority makes the rules in the Annex to this instrument for firms relating to the Compulsory Jurisdiction in the exercise of the following powers and related provisions in the Act:
- (1) section 138 (General rule-making power);
 - (2) section 156 (General supplementary powers); and
 - (3) section 226 (Compulsory jurisdiction).
- D. The rule-making powers listed above are specified for the purpose of section 153(2) (Rule-making instruments) of the Act.

Commencement

- E. This instrument comes into force on 1 January 2012.

Amendments to the Handbook

- F. The Dispute Resolution: Complaints sourcebook (DISP) is amended in accordance with the Annex to this instrument.

Citation

- G. This instrument may be cited as the Dispute Resolution: Complaints (Amendment No 4) Instrument 2011.

By order of the Board of the Financial Ombudsman Service Limited
19 October 2011

By order of the Board of the Financial Services Authority
2 November 2011

Annex

Amendments to the Dispute Resolution: Complaints sourcebook (DISP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

- 2.7.6 R To be an *eligible complainant* a person must also have a *complaint* which arises from matters relevant to one or more of the following relationships with the *respondent*:
- ...
- (12) the complainant is a *person*:
- (a) from whom the *respondent* has sought to recover payment under a *regulated consumer credit agreement* or *regulated consumer hire agreement* (whether or not the respondent is a party to the agreement) ~~in carrying on debt collecting as defined by section 145(7) of the Consumer Credit Act (1974) (as amended);~~ or
- ...
- ...

TP 1 Transitional provisions

(1)	(2) Material provision to which transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provision: coming into force
...					
<u>28A</u>	<u>The amendments to DISP 2.7.6R(12) effected by the Dispute Resolution: Complaints (Amendment No 4) Instrument 2011</u>	<u>R</u>	<u>The amendments referred to in column (2) do not affect who is an <i>eligible complainant</i> for the purpose of DISP 2.7.6R (12)(a) in respect of complaints that relate to acts or omissions that occurred before 1 January 2012.</u>	<u>From 1 January 2012</u>	<u>1 January 2012</u>
...					