

Consumer Redress Schemes sourcebook

Schedule 1 Record keeping requirements

Sch 1.1 G

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|---|---|
| 1 | The aim of the <i>guidance</i> in the following table is to give the reader a quick overall view of the relevant record-keeping requirements. |
| 2 | It is not a complete statement of those requirements and should not be relied on as if it were. |

Sch 1.2 G

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
CONRED 2.10.1R(1)(a)	Arch cru consumer redress scheme	Certificate of posting for each letter sent	When letter sent	Five years
CONRED 2.10.1R(1)(b)	Arch cru consumer redress scheme	Copy of each letter sent	When letter sent	Five years
CONRED 2.10.1R(1)(c)	Arch cru consumer redress scheme	Record of attempts to contact consumer or obtain further information	When attempts made	Five years
CONRED 2.10.1R(1)(d)	Arch cru consumer redress scheme	Completed template for each opted-in scheme case	When template completed	Five years
CONRED 2.10.1R(1)(e)	Arch cru consumer redress scheme	All information on the consumer file and information received from the consumer	When located on consumer file or obtained	Five years

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Schedule 2 Notification requirements

Sch 2.1 G

Handbook reference	Matters to be notified	Contents of notification	Trigger event	Time allowed
CONRED 2.4.9R	Information on the total number of scheme cases; opted-in scheme cases, and investments in Arch cru funds	(1) total number of scheme cases; (2) The number of such investments resulting from the <i>regulated activities</i> for a <i>customer</i> in CONRED 2.1.3R; and the number of such investments falling outside the scheme with an explanation of the reason why, in each case; (3) the total number of opted-in scheme cases.	None: notification required in all cases	Until 29 July 2013
CONRED 2.9.2R	Information on the number of opted-in scheme cases; completed and incomplete templates and the results of such; the total number of redress cases; the total number of <i>redress determinations</i> sent to <i>consumers</i> ; the total number of <i>con-</i>	(1) the total number of opted-in scheme cases; (2) the total number of completed templates; (3) the total number of incomplete templates, with an explanation as to why the templates have not	None: notification required in all cases	Until 9 December 2013

Handbook reference	Matters to be notified	Contents of notification	Trigger event	Time allowed
	<p><i>sumers</i> paid redress and the amount of such; and the total amount of redress unpaid to date.</p>	<p>been completed;</p> <p>(4) the total number of redress cases;</p> <p>(5) the total number of redress determinations sent to <i>consumers</i>;</p> <p>(6) the total number of <i>consumers</i> paid redress to date;</p> <p>(7) the total amount of redress paid to date; and</p> <p>(8) the total amount of redress unpaid to date.</p>		

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Schedule 3 Fees and other required payments

Sch 3

There are no provisions for fees in CONRED. As noted in CONRED 2.5.19G, a fee is payable in any case where the *FCA* exercises its powers under CONRED 2.5.12R to take steps instead of a firm, or appoint one or more competent persons to do so. This fee is as specified in the table at FEES 3.2.7 R.

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Schedule 4 Powers exercised

Sch 4.1 G
[deleted]

Sch 4.2 G
[deleted]

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Schedule 5 Rights of action for damages

Sch 5.1 G

The table below sets out the *rules* in CONRED contravention of which by an *authorised person* may be actionable under section 138D of the Act (Actions for damages) by a *person* who suffers loss as a result of the contravention.

Sch 5.2 G

If a "Yes" appears in the column headed "For private person?", the rule may be actionable by a *private person* under section 138D (or, in certain circumstances, his fiduciary or representative; see article 6(2) and (3)(c) of the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001 (SI 2001/2256)). A "Yes" in the column headed "Removed" indicates that the FCA has removed the right of action under section 138D(3) of the Act. If so, a reference to the *rule* in which it is removed is also given.

Sch 5.3 G

The column headed "For other person?" indicates whether the *rule* may be actionable by a *person* other than a *private person* (or his fiduciary or representative) under article 6(2) and (3) of those Regulations. If so, an indication of the type of *person* by whom the *rule* may be actionable is given.

Sch 5.4 G

Rule	Right of action under section 138D		
	For private person?	Removed?	For other person?
All <i>rules</i> in CONRED with the status letter 'E'	No	No	No
All other <i>rules</i> in CONRED	Yes	No	No

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Schedule 6 Rules that can be waived

Sch 6.1 G

As a result of regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973) the *FCA* has power to waive all its *rules*. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the *FCA* to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives.

