

Chapter 2

Jurisdiction of the Financial Ombudsman Service

2.5 To which activities does the Voluntary Jurisdiction apply?

2.5.1

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The *Ombudsman* can consider a *complaint* under the *Voluntary Jurisdiction* if:

- (1) it is not covered by the *Compulsory Jurisdiction*; and
- (2) it relates to an act or omission by a *VJ participant* in carrying on one or more of the following activities:
 - (a) an activity (other than *auction regulation bidding* and *administering a benchmark, meeting of repayment claims* and *managing dormant asset funds (including the investment of such funds)*) carried on after 28 April 1988 which:
 - (i) was not a *regulated activity* at the time of the act or omission, but
 - (ii) was a *regulated activity* when the *VJ participant* joined the *Voluntary Jurisdiction* (or became an *authorised person*, if later);
 - (b) a financial services activity carried on after *commencement* by a *VJ participant* which was covered in respect of that activity by a *former scheme* immediately before the *commencement day*;
 - (c) activities, other than *regulated claims management activities*, activities ancillary to *regulated claims management activities*, *meeting of repayment claims* and *managing dormant asset funds (including the investment of such funds)*, which (at 1 August 2022) would be covered by the *Compulsory Jurisdiction*, if they were carried on from an establishment in the *United Kingdom* (these activities are listed in ■ DISP 2 Annex 1G);
 - (ca) an activity which would be a *regulated claims management activity* and would be covered by the *Compulsory Jurisdiction* if it were carried on in *Great Britain* (see ■ PERG 2.4A);
 - (cb) an activity which would be a *regulated funeral plan activity* and would be covered by the *Compulsory Jurisdiction* if it were carried on in relation to a funeral in the *United Kingdom*.
 - (d) [deleted]
 - (e) lending *money* secured by a charge on land;
 - (f) lending *money* (excluding *restricted credit* where that is not a *credit-related regulated activity*);
 - (g) paying *money* by a *plastic card* (excluding a *store card* where that is not a *credit-related regulated activity*);

		<ul style="list-style-type: none"> (h) providing ancillary banking services; (i) acting as an intermediary for a loan secured by a charge over land; (j) acting as an intermediary for <i>general insurance business</i> or <i>long-term insurance business</i>; (k) National Savings and Investments' business; (l) offering and/or issuing of <i>investments</i> by <i>ISPVs</i>; (m) [deleted] <p>or any ancillary activities, including advice, carried on by the <i>VJ participant</i> in connection with them.</p>
2.5.2	G	The scope of the <i>Voluntary Jurisdiction</i> is wider than that of the <i>Compulsory Jurisdiction</i> , and so some activities are referred to in both jurisdictions.
2.5.3	G	<p>■ DISP 2.5.1R (2)(a) is for those that are subject to the <i>Compulsory Jurisdiction</i> for <i>regulated activities</i> but are not covered by any of the following:</p> <ul style="list-style-type: none"> (a) the <i>Ombudsman Transitional Order</i>, (b) the <i>Mortgage and General Insurance Complaints Transitional Order</i>, (c) the <i>Claims Management Order</i>, or (d) the <i>Funeral Plans Order</i>. <p>It enables the <i>Financial Ombudsman Scheme</i> to cover <i>complaints</i> about earlier events relating to those activities before they became <i>regulated activities</i>.</p>
2.5.4	G	<p>■ DISP 2.5.1R (2)(b) is for those that were members of one of the <i>former schemes</i> replaced by the <i>Financial Ombudsman Service</i> immediately before <i>commencement</i>. It enables the <i>Financial Ombudsman Service</i> to cover <i>complaints</i> that arise out of acts or omissions occurring after <i>commencement</i> for any activities which are not covered by the <i>Compulsory Jurisdiction</i> but that would have been covered by the relevant <i>former scheme</i>.</p>
2.5.4A	G	<p>■ DISP 2.5.1R(2)(c) includes <i>complaints</i> about the <i>EEA</i> end of 'one leg' <i>payment services</i> transactions, i.e. services provided from <i>EEA</i> establishments that are subject to the territorial jurisdiction of the <i>Voluntary Jurisdiction</i> (see ■ DISP 2.6.4R (2)) that also involve a payment service provider located outside the <i>EEA</i>. It also includes <i>complaints</i> about <i>payment services</i> irrespective of the currency of the transaction.</p>

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The *Voluntary Jurisdiction* covers an act or omission that occurred before the *VJ participant* was participating in the *Voluntary Jurisdiction*, and whether the act or omission occurred before or after *commencement*, either:

- (1) if the *complaint* could have been dealt with under a *former scheme*;
or
- (2) under the agreement by the *VJ participant* in the *Standard Terms*.