

Chapter 2

Jurisdiction of the Financial Ombudsman Service

2.6

What is the territorial scope of the relevant jurisdiction?

Compulsory Jurisdiction

- 2.6.1R
- (1) The *Compulsory Jurisdiction* covers complaints about the activities of a *firm* (including its *appointed representatives*), of a *payment service provider* (including *agents of a payment institution*), of an *electronic money issuer* (including *agents of an electronic money institution*), of a *CBTL firm*, of a *designated credit reference agency* or of a *designated finance platform* which:

(a) (except for *regulated claims management activities* and activities ancillary to *regulated claims management activities*) are carried on from an establishment in the *United Kingdom*; or

(b) are carried on from an establishment in an *EEA State*, in the case of a *TP firm*, a *TA EMI firm*, a *TA PI firm* or a *TA RAISP firm* with respect to services provided into the *United Kingdom*; or

(c) are, or are ancillary to, *regulated claims management activities*.

(2) [deleted]

(3) [deleted]

(4) [deleted]

(5) [deleted]

(6) [deleted]
- 2.6.2G

[deleted]
- 2.6.2AG

For an activity to amount to a *regulated claims management activity* it must be carried on in *Great Britain* (see ■ PERG 2.4A). The application of the *Compulsory Jurisdiction* to *firms* which carry on *regulated claims management activities* (and activities ancillary to *regulated claims management activities*) depends on whether the activity is carried on in *Great Britain* rather than whether it is carried on from an establishment maintained in the *United Kingdom*.
- Consumer Credit Jurisdiction
- 2.6.3G
- DISP 2/2

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Voluntary Jurisdiction

2.6.4 R The *Voluntary Jurisdiction* covers only *complaints* about the activities of a *VJ participant* carried on from an establishment:

- (1) in the *United Kingdom*; or
- (2) in the *EEA* or Gibraltar if the following conditions are met:
 - (a) the activity is directed wholly or partly at the *United Kingdom* (or part of it);
 - (b) contracts governing the activity are (or, in the case of a potential customer, would have been) made under the law of England and Wales, Scotland or Northern Ireland; and
 - (c) the *VJ participant* has notified appropriate regulators in the place in which the establishment is located of its intention to participate in the *Voluntary Jurisdiction*.

2.6.4A G *Complaints* about activities which are *claims management services* but which are not *regulated claims management activity* (for example, services provided by a company incorporated in Northern Ireland to a natural person ordinarily resident in Northern Ireland) may be covered by the *Voluntary Jurisdiction* under ■ DISP 2.6.4R(1) where the activities are carried on from an establishment in the *United Kingdom*.

2.6.4B G *Complaints* about activities which would be *regulated funeral plan activities* but which are not *regulated funeral plan activities* because, for example, the services are carried on in relation to a funeral outside of the *United Kingdom*, may be covered by the *Voluntary Jurisdiction* under ■ DISP 2.5.1R(2)(cb).

Location of the complainant

2.6.5 G A *complaint* can be dealt with under the *Financial Ombudsman Service* whether or not the complainant lives or is based in the *United Kingdom*.