

Chapter 5

Financial Ombudsman Service Funding

5.4 Information requirement

- (1) A *firm* must provide the *FCA* by the end of February each year (or, if the *firm* has become subject to the *Financial Ombudsman Service* part way through the *financial year*, by the date requested by the *FCA*) with a statement of:
 - (a) the total amount of *relevant business* (measured in accordance with the appropriate tariff base(s)) which it conducted; or
 - (b) in the case of *firms* in *industry blocks* 2 and 4, the gross written premium for fees purposes as defined in ■ FEES 4 Annex 1AR (unless ■ FEES 5.4.1R(1A) applies),

as at or in the year to 31 December of the previous year as appropriate, including only business undertaken from a *branch* or establishment in the *UK* in relation to the tariff base for each of the relevant *industry blocks* set out in ■ FEES 5 Annex 1R. *Firms* that do not carry out their business from a *branch* or establishment in the *UK* will pay the *minimum levy* for each tariff base.
- (1A) A *firm* in *industry blocks* 2 and 4, has notified the *FCA* of the amount of gross written premium for fees purposes, as defined in ■ FEES 4 Annex 1AR, that relates to *relevant business*. The notification must be made by the 30 May each year.
- (2) Paragraph (1) does not apply if the *firm* pays a *general levy* on a flat fee basis only or if it is the Bank of England.
- (3) If a *firm* cannot provide a statement of the total amount of *relevant business* as required by ■ FEES 5.4.1 R, it must provide the best estimate of the amount of *relevant business* that it conducted.
- (4) For the purpose of ■ FEES 5.4.1R, references to *relevant business* for a *firm* which falls in *industry block* 16 or 17 and which so elects under ■ FEES 5 Annex 1R, are references to the *firm's* total amount of annual income reported in accordance with Part 3 of ■ FEES 4 Annex 1AR.
- (5) If a *firm* does not submit a complete statement by the date on which it is due in accordance with this *rule* and any prescribed submission procedures:
 - (a) the *firm* must pay an administrative fee of £250 (but not if it is already subject to an administrative fee under ■ FEES 4 Annex 2A, Part 1, Part 1 or ■ FEES 6.5.16 R for the same *financial year*); and
 - (b) the *general levy* will be calculated using (where relevant) the valuation or valuations of business applicable to the previous period, multiplied by the factor of 1.10 (or, if a *firm* has become

		<p>subject to the <i>Financial Ombudsman Service</i> part way through the <i>financial year</i>, on the basis of the information provided to the <i>FCA</i> for the purposes of ■ FEES 4.4.2 R) or on any other reasonable basis, making such adjustments as seem appropriate in subsequent levies once the true figures are known.</p> <p>(6) Where the <i>FCA</i> grants a <i>person's</i> application for annulment of a cancellation or variation of <i>Part 4A permission</i> under Schedule 6A to the <i>Act</i> and on the date the annulment takes effect the time for providing information in this <i>rule</i> has passed, then that time for compliance does not apply, but a <i>person</i> must comply with this <i>rule</i> on the date on which the <i>person's</i> annulment takes effect.</p>
5.4.1-A	R	<p>(1) In the case of <i>firms</i> in <i>industry blocks</i> 2 and 4 the requirements under ■ FEES 5.4.1R apply in relation to the tariff bases(s) and tariff data in ■ FEES 5 Annex 1R.</p> <p>If a <i>firm</i> is a UK Solvency II firm in <i>industry blocks</i> 2 and 4 in ■ FEES 5 Annex 1R, the <i>FCA</i> may use tariff data from the previous reporting period for the periodic fees calculation if the <i>PRA</i> or the <i>FCA</i> has either:</p> <p>(a) not received the necessary tariff data in a timely basis in line with Part 3 and 5 of ■ FEES 4 Annex 1AR; or</p> <p>(b) deemed the tariff data received to be incomplete or insufficiently reliable, by reference to a specific <i>firm</i> or across all or part of the <i>industry block</i>.</p>
5.4.1A	D	The information requirement set out under ■ FEES 5.4.1 R is applied under this direction to a <i>fee-paying payment service provider</i> and a <i>fee-paying electronic money issuer</i> .
5.4.1B	R	For <i>firms</i> in <i>industry blocks</i> 2 and 4, if the data source specified in the applicable tariff base in Part 3 of ■ FEES 4 Annex 1AR is not available to the <i>PRA</i> or <i>FCA</i> for any reason and the same data is available to the <i>PRA</i> or <i>FCA</i> from an alternative source, the <i>FCA</i> may use that alternative source to calculate the tariff rates under ■ FEES 5 Annex 1R.
5.4.2	G	Failure to submit a statement in accordance with the <i>rules</i> in this chapter may also lead to the imposition of a financial penalty and other disciplinary sanctions (see ■ DEPP 6.6.1 G to ■ DEPP 6.6.5 G).
5.4.3	G	■ SUP 16.3 (General provisions on reporting) contains further <i>rules</i> on the method of submission of reports under ■ FEES 5.4.1 R.
5.4.4	G	(1) From 1 April 2025, a new definition of <i>relevant business</i> is introduced. This new definition applies in relation to business done with all types of <i>eligible complainant</i> described in ■ DISP 2.7.3R. <i>Firms</i> must use this new definition for any <i>relevant business</i> conducted from 1 April 2025 onwards.

- (2) Where the pre-April 2025 *Glossary* definition of *relevant business* applies (ie, to *relevant business* of a *firm* up until 31 March 2025):
 - (a) a *firm* should not provide a statement of *relevant business* if it deals only with *eligible complainants* who are not *consumers*; and
 - (b) ■ FEES 5.4.1R does not apply in relation to business done with other types of *eligible complainant* described in ■ DISP 2.7.3R(2) to ■ (7).