

**COMPENSATION SOURCEBOOK (REVIEWS OF PENSIONS BUSINESS)
INSTRUMENT 2004**

Powers exercised

- A. The Financial Services Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 ("the Act"):
- (1) section 138 (General rule-making power);
 - (2) section 156 (General supplementary powers);
 - (3) section 213 (The compensation scheme); and
 - (4) section 214 (General).
- B. The rule-making powers listed above are specified for the purpose of section 153(2) (Rule-making instruments) of the Act.

Commencement

- C. This instrument comes into force on 1 July 2004.

Amendments to the Compensation sourcebook

- D. The Compensation sourcebook is amended in accordance with the Annex to this instrument.

Citation

- E. This instrument may be cited as the Compensation Sourcebook (Reviews of Pensions Business) Instrument 2004.

By order of the Board
20 May 2004

Annex

Amendment to the Compensation sourcebook

Insert the following new provisions:

- 8.2.7 R The *FSCS* may reject an application for compensation if:
- (1) it relates to an event or transaction which has been reviewed under the provisions of a ‘deemed scheme’ as defined in the Financial Services and Markets Act 2000 (Transitional Provisions) (Reviews of Pensions Business) Order 2001 (SI 2001/2512); and
 - (2) as a result of the review in (1) no redress was payable, or redress was paid, in accordance with the regulatory standards for the review of such events or transactions, and the terms of any scheme order, applicable as at the date of the review.
- 8.2.8 G The purpose of *COMP* 8.2.7R is to allow the *FSCS* to reject claims relating to pensions review cases where a review was carried out in accordance with the relevant regulatory standards applicable at the time. ‘Deemed schemes’ are those review schemes set up before *commencement* (that is, 30 November 2001) but which are treated as schemes for the review of past business under the *Act*, namely the pensions review and *FSAVC* review.