

Complaints Sourcebook (Financial Ombudsman Service Voluntary Jurisdiction National Savings and Investments) Instrument 2004

Powers Exercised

- A The Financial Ombudsman Service Limited amends the Financial Services Authority's complaints sourcebook (DISP), in the exercise of the following powers in the Financial Services and Markets Act 2000:
- (1) Section 227 (Voluntary Jurisdiction)
 - (2) Schedule 17 paragraph 18 (Terms of Reference to the Scheme)

Approval

- B The amendments have not yet been approved by the Financial Services Authority. They are therefore made subject to the approval of the Financial Services Authority.

Commencement

- C This instrument comes into force on 1 October 2004 subject to the approval of the Financial Services Authority having been received before that time.

Amendment of the Complaints sourcebook

- D The Voluntary Jurisdiction rules are amended in accordance with the Annex to this Instrument.

Citation

- E This instrument may be cited as the Complaints Sourcebook (Financial Ombudsman Service Voluntary Jurisdiction National Savings and Investments) Instrument 2004.

By order of the Board of the Financial Ombudsman Service Limited:
9 September 2004

ANNEX

Amendments to the Dispute resolution: Complaints sourcebook

In this annex, underlining indicates new text and striking through indicates deleted text. Where an entirely new section is inserted, the place for insertion is indicated and new text is not underlined.

After DISP 2.4.12 R insert the following:

2.4.12A R In respect of a complaint under the *Voluntary Jurisdiction* relating to National Savings and Investments' business under ~~DISP 2.6.9 R (9)~~, where the complainant is not otherwise eligible in accordance with ~~DISP 2.4~~, the *Ombudsman* may, nonetheless, if he considers it appropriate, treat the complainant as an *eligible complainant* if he or she would have been entitled to refer an equivalent complaint to the Adjudicator for National Savings or, as the case may be, the Parliamentary Commissioner for Administration immediately before the *Voluntary Jurisdiction* began to cover National Savings and Investments' business, provided that the complainant wishes to have the complaint dealt with under the *Financial Ombudsman Service*.

...

2.6.9 R The *Ombudsman* can consider a complaint under the *Voluntary Jurisdiction* only if it is not covered by the *Compulsory Jurisdiction* and it relates to an act or omission in the carrying on of one or more of the following activities by a *VJ participant*:

- (1) *general insurance business*;
- (2) *accepting deposits*;
- (3) lending *money* secured by a charge over land;
- (4) lending *money* (other than *restricted credit*);
- (5) paying *money* by a *plastic card* (other than a *store card*);
- (6) the provision of ancillary banking services;
- (6A) acting as an intermediary for a loan secured by a charge over land;
- (6B) acting as an intermediary for *general insurance business* or *long-term insurance business*;
- (7) a financial services activity carried on after *commencement* and which had been covered by a *former scheme* in so far as the *VJ participant* was a member of that *former scheme*, in respect of that activity, immediately before the *commencement day*;
- (8) an activity carried on on or after 29 April 1988 which was a regulated activity when the *VJ participant* joined the *Voluntary*

Jurisdiction (or became an authorised person if later) but which was not a *regulated activity* at the time of the act or omission;

(9) National Savings and Investments' business;

or activities ancillary to them (see DISP 2.6.11R).

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DISP 5 Ann 1R

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Part 4: VJ participants

6 Table Fee tariffs and case fees for VJ participants

	Voluntary Jurisdiction industry block	Tariff base	General levy payable by firm	Minimum general levy per firm	Case fee
...					
<u>8V</u>	<u>National Savings and Investments' business</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>£10,000</u>	<u>£360</u>