

DISPUTE RESOLUTION: COMPLAINTS (AMENDMENT NO 2) INSTRUMENT 2008

Powers exercised by the Financial Ombudsman Service Limited

- A. The Financial Ombudsman Service Limited makes:
- (1) the rule in the Annex to this instrument for licensees relating to the Consumer Credit Jurisdiction; and
 - (2) the rule in the Annex to this instrument for VJ participants relating to the Voluntary Jurisdiction;
- in exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (a) section 226A (Consumer credit jurisdiction); and
 - (b) section 227 (Voluntary jurisdiction).
- B. The making of this rule by the Financial Ombudsman Service Limited is subject to the consent and approval of the Financial Services Authority.

Powers exercised by the Financial Services Authority

- C. The Financial Services Authority makes the rule in the Annex to this instrument for firms relating to the Compulsory Jurisdiction in the exercise of the powers and related provisions in or under:
- (1) the following sections of the Act:
 - (a) section 138 (General rule-making power); and
 - (b) section 226 (Compulsory jurisdiction); and
 - (2) the other powers and related provisions listed in Schedule 4 (Powers exercised) of the General Provisions of the Handbook.
- D. The rule-making powers referred to above are specified for the purpose of section 153(2) (Rule-making instruments) of the Act.
- E. The Financial Services Authority consents to and approves the rule in the Annex to this instrument made by the Financial Ombudsman Service Limited.

Commencement

- F. This instrument comes into force on 1 October 2008.

Amendments to the Handbook

- G. The Dispute Resolution: Complaints sourcebook (DISP) is amended in accordance with the Annex to this instrument.

Citation

H. This instrument may be cited as the Dispute Resolution: Complaints (Amendment No 2) Instrument 2008.

By order of the Board of the Financial Ombudsman Service Limited
10 September 2008

By order of the Board of the Financial Services Authority
25 September 2008

Annex

Amendments to the Dispute Resolution: Complaints sourcebook (DISP)

In this Annex, underlining indicates new text.

- 2.7.6 R To be an *eligible complainant a person* must also have a *complaint* which arises from matters relevant to one or more of the following relationships with the *respondent*:
- ...
- (12) the complainant is a *person*:
- (a) from whom the *respondent* has sought to recover payment under a *regulated consumer credit agreement* or *regulated consumer hire agreement* in carrying on debt-collecting as defined by section 145(7) of the Consumer Credit Act (1974) (as amended); or
- (b) in relation to whom the *respondent* has sought to perform duties, or exercise or enforce rights, on behalf of the creditor or owner, under a *regulated consumer credit agreement* or *regulated consumer hire agreement* in carrying on debt administration as defined by section 145(7A) of the Consumer Credit Act (1974) (as amended);
- ...