

**Payment Services (Financial Ombudsman Service Case Fees 2009/2010)
Instrument 2009**

Powers exercised

- A. The Financial Ombudsman Service Limited makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000:
- (1) Schedule 17 paragraph 15 (Fees);
 - (2) Schedule 17 paragraph 18 (Terms of reference to the scheme);
 - (3) Schedule 17 paragraph 8 (Guidance).

Approval of the Financial Services Authority

- B. The making of the changes by the Financial Ombudsman Service Limited is subject to the consent and approval of the Financial Services Authority.

Commencement

- C. This instrument comes into force on 1 November 2009.

Amendments to the Handbook

- D. The modules of the FSA's Handbook of rules and guidance listed in column (1) below are amended in accordance with the Annexes to this instrument listed in column (2).

(1)	(2)
Glossary of definitions	Annex A
Fees manual (FEES)	Annex B
Dispute Resolution: Complaints sourcebook (DISP)	Annex C

Citation

- E. This instrument may be cited as the Payment Services (Financial Ombudsman Service Case Fees 2009/2010) Instrument 2009.

Annex A

Amendments to the Glossary of definitions

In this Annex, underlining indicates new text.

payment service provider ...

(2) (in *DISP and FEES 5.5*) as in (1) but excluding a *full credit institution* and an *e-money firm*.

Annex B

Amendments to the Fees manual (FEES)

In this Annex, underlining indicates new text and striking through indicates deleted text.

5 Financial Ombudsman Service Funding

5.5 Case fees

Standard case fee

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5.5.1A R FEES 5.5.1R applies to *payment service providers* in the same way as it applies to *firms*.

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Special case fees: complaints from small businesses

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5.5.6A R FEES 5.5.6R applies to *payment service providers* in the same way as it applies to *firms*.

Special case fees: firms which cease to be authorised, persons which cease to be payment service providers and persons which cease to be licensees

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5.5.7B R FEES 5.5.7R applies to *persons* which cease to be *payment service providers* in the same way as it applies to *firms* which cease to be *authorised*.

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Case fee exemption

5.5.15 R Notwithstanding the above, a *firm*, *payment service provider* or *licensee* will only be liable for, and FOS will only invoice for, the standard case fee or, as the case may be, the special case fee, in respect of the fourth and subsequent *chargeable cases* in any *financial year*.

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5.7 Payment

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5.7.2A R FEES 5.7.2R applies to *payment service providers* in the same way it applies to *firms*.

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5.9 Leaving the Financial Ombudsman Service

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5.9.1A R ~~DISP~~ FEES 5.9.1R applies to *persons* ceasing to be *licensees* or *payment service providers* part way through a *financial year* in the same way as it applies to *firms* which cease to be *authorised*.

5.9.2 G *Firms* which cease to be *authorised* and therefore subject to the *Compulsory Jurisdiction* part way through the year will not receive a refund of their *general levy* except in exceptional circumstances. *Firms and payment service providers* will continue to be liable for any case fees relating to *chargeable cases* closed by the *Financial Ombudsman Service* after they cease to be *authorised*, or cease to be *payment service providers*. *Firms and payment service providers* will be charged the standard case fee where the complaint was closed by the *Financial Ombudsman Service* before the end of the year in which their *authorisation* ceased or, as the case may be, they ceased to be *payment service providers*. The special case fee will apply to any complaint closed after the end of that year since the *firm* or *payment service provider* will no longer be contributing to the *general levy*.

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5 Annex 1R Annual Fees Payable in Relation to 2009/10

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Part 4 : VJ participants

Table: Fee tariffs and case fees for VJ participants

Voluntary jurisdiction – general levy tariff and case fee table					
industry block and business activity	tariff basis	tariff rate	minimum levy	Case fee (Note 1)	
...					
11V	<u>Activities which (at 1 November 2009) were <i>payment services</i> or would be <i>payment services</i> if they were carried on from an establishment in the <i>United Kingdom</i> (but excluding <i>persons</i> covered by any other industry block and business activity)</u>	<u>Relevant income as described in <i>FEES 4 Annex 11 R Part 3</i></u>	<u>[to follow]</u>	<u>[to follow]</u>	<u>£500</u>
...					

Annex C

Amendments to the Dispute Resolution: Complaints sourcebook (DISP)

In this Annex, underlining indicates new text.

TP 1 Transitional provisions

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TP 1.4 Payment Services Regulations 2009 transitioning payment institutions

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- 7 R The rules and guidance in FEES 5.5.1R, 5.5.6R, 5.5.7R, 5.5.15R, 5.7.2R, 5.9.1R and 5.9.2G shall apply to transitioning payment institutions and persons that cease to be transitioning institutions in the same way as they apply to firms and firms that cease to be authorised.