

**FINANCIAL OMBUDSMAN SERVICE (MISCELLANEOUS RULE  
AMENDMENTS) INSTRUMENT 2013**

**Powers exercised by the Financial Ombudsman Service**

- A. The Financial Ombudsman Service Limited makes this Instrument amending:
- (1) the rules and guidance relating to the payment of fees under the Compulsory Jurisdiction;
  - (2) the rules and guidance for licensees relating to the payment of fees under the Consumer Credit Jurisdiction;
  - (3) the standard terms for VJ participants relating to the payment of fees under the Voluntary Jurisdiction;
  - (4) the rules relating to complaints handling procedures of the Financial Ombudsman Service; and
  - (5) the standard terms for Voluntary Jurisdiction participants.

in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):

- (a) section 226A (Consumer credit jurisdiction);
  - (b) section 227 (Voluntary jurisdiction);
  - (c) paragraph 8 of Schedule 17 (Guidance);
  - (d) paragraph 14 (The scheme operator’s rules) of Schedule 17;
  - (e) paragraph 15 (Fees) of Schedule 17;
  - (f) paragraph 16B (Consumer credit jurisdiction: procedure for complaints etc.) of Schedule 17;
  - (g) paragraph 16C (Fees) of Schedule 17; and
  - (h) paragraph 18 (Terms of reference to the scheme) of Schedule 17.
- B. The making (and amendment) of rules and standard terms by the Financial Ombudsman Service Limited is subject to the consent and approval of the Financial Conduct Authority.

**Powers exercised by the Financial Conduct Authority**

- C. The Authority has, in accordance with Article 5 of the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161) (the “Designation Order”), appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include functions of the Financial Conduct Authority exercisable before 1 April 2013.
- D. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- E. Section 39 of the Financial Services Act 2012 has been commenced for the purpose of, amongst other things, making (and amending) rules and standard terms.

- F. The persons appointed pursuant to Article 5 of the Designation Order approve and consent to the amendment of rules and standard terms by the Financial Ombudsman Service Limited under this Instrument pursuant to the following powers of the Act:
- (a) section 226A (Consumer credit jurisdiction);
  - (b) section 227 (Voluntary jurisdiction);
  - (c) paragraph 14 (The scheme operator's rules) of Schedule 17 to the Act; and
  - (d) paragraph 18 (Terms of reference to the scheme) of Schedule 17 to the Act.

### **Commencement**

- G. This Instrument comes into force on 1 April 2013.

### **Amendments to the Handbook**

- H. The Fees Manual (FEES) is amended in accordance with Annex A to this instrument.
- I. The Dispute Resolution: Complaints sourcebook (DISP) is amended in accordance with Annex B to this instrument.

### **Citation**

- J. This Instrument may be cited as the Financial Ombudsman Service (Miscellaneous Rule Amendments) Instrument 2013.

### **By order of the Board of the Financial Ombudsman Service Limited**

20 March 2013

**Approved and consented to by the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

19 March 2013

**Annex A****Amendments to the Fees Manual (FEES)**

The new word in Column B replaces the current word in Column A in the provisions of the Fees Manual specified in Column C of the following table.

<b>Column A (current word)</b>	<b>Column B (new word)</b>	<b>Column C (provisions to be amended)</b>
FSA	FCA	FEES 5.5A.19G, 5.5A.35R, 5.5A.37R

**Annex B****Amendments to the Dispute Resolution: Complaints sourcebook (DISP)**

The new word in Column B replaces the current word in Column A in the provisions of the Dispute Resolution: Complaints sourcebook specified in Column C of the following table.

<b>Column A (current word)</b>	<b>Column B (new word)</b>	<b>Column C (provisions to be amended)</b>
FSA	FCA	DISP 3.3.4R(5)(c), 3.5.12G, 3.8.3R, 3.9.1AR(2)  DISP 4.2.1R, 4.2.6R(1), 4.2.6R(4)(b), 4.2.6R(6)(a), 4.2.6R(10)