

**DISPUTE RESOLUTION: COMPLAINTS (AMENDMENT NO 6) INSTRUMENT  
2013**

**Powers exercised by the Financial Ombudsman Service**

- A. The Financial Ombudsman Service Limited makes the rules and guidance and varies the standard terms in the Annex to this instrument for Voluntary Jurisdiction participants in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 227 (Voluntary jurisdiction);
  - (2) paragraph 8 (Guidance) of Schedule 17;
  - (3) paragraph 14 (The scheme operator’s rules) of Schedule 17;
  - (4) paragraph 18 (Terms of reference to the scheme) of Schedule 17;
  - (5) paragraph 20 (Voluntary jurisdiction rules: procedure) of Schedule 17;
  - (6) paragraph 22 (Consultation) of Schedule 17.
- B. The making of these rules and the variation of the standard terms by the Financial Ombudsman Service Limited is subject to the consent and approval of the Financial Conduct Authority (“FCA”).

**Powers exercised by the Financial Conduct Authority**

- C. The FCA approves and consents to the making of the rules and the variation of the standard terms made by the Financial Ombudsman Service Limited under this instrument pursuant to the following powers and related provisions in the Act:
- (a) section 227 (Voluntary jurisdiction);
  - (b) paragraph 14 (The scheme operator’s rules) of Schedule 17; and
  - (c) paragraph 18 (Terms of reference to the scheme) of Schedule 17.

**Commencement**

- D. This instrument comes into force on 22 July 2013.

**Amendments to the FCA Handbook**

- E. The Dispute Resolution: Complaints sourcebook (DISP) is amended by the Board of the Financial Ombudsman Service Limited in accordance with the Annex to this instrument.

**Citation**

- F. This instrument may be cited as the Dispute Resolution: Complaints (Amendment No 6) Instrument 2013.

By order of the Board of the Financial Ombudsman Service Limited  
19 June 2013

By order of the Board of the FCA  
27 June 2013

## Annex

### Amendments to the Dispute Resolution: Complaints sourcebook (DISP)

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

#### 2.5 To which activities does the Voluntary Jurisdiction apply?

2.5.1R The *Ombudsman* can consider a *complaint* under the *Voluntary Jurisdiction* if:

...

- (2) it relates to an act or omission by a *VJ participant* in carrying on one or more of the following activities:

...

- (c) activities which (at ~~30 April 2011~~ 22 July 2013) were regulated ~~activities or would be regulated activities~~ covered by the *Compulsory Jurisdiction*, if they were carried on from an establishment in the *United Kingdom* (these activities are listed in *DISP 2 Annex 1G*);

...

- (l) ~~activities which (at 1 November 2009) were payment services or would be payment services if they were carried on from an establishment in the United Kingdom; [deleted]~~

- (m) ~~issuance of electronic money; [deleted]~~

...

#### 2 Annex 1G Regulated activities for the Voluntary Jurisdiction at ~~30 April 2011~~ 22 July 2013

The activities which were covered by the *Compulsory Jurisdiction* (at 22 July 2013) were:

(1) for firms:

- (a) *regulated activities* (other than *auction regulated bidding*);
- (b) *payment services*;
- (c) *consumer credit activities*;
- (d) *lending money* secured by a charge on land;
- (e) *lending money* (excluding *restricted credit* where that is not a *consumer credit activity*);

- (f) paying money by a plastic card (excluding a store card where that is not a consumer credit activity);
- (g) providing ancillary banking services;  
or any ancillary activities, including advice, carried on by the firm in connection with them.
- (2) for payment service providers:
  - (a) payment services;
  - (b) consumer credit activities;  
or any ancillary activities, including advice, carried on by the payment service provider in connection with them.
- (3) for electronic money issuers:
  - (a) issuance of electronic money; or
  - (b) consumer credit activities;  
or any ancillary activities, including advice, carried on by the electronic money issuer in connection with them

The activities which (at ~~30 April 2011~~ 22 July 2013) were *regulated activities* for the ~~Voluntary Jurisdiction~~ were, in accordance with section 22 of the Act (The classes of activity and categories of investment), any of the following activities specified in Part II of the *Regulated Activities Order*.

...

(21A) acting as the depositary of an authorised contractual scheme (article 51(1)(bb));

(22) ...

(22A) managing a UCITS (article 51ZA);

(22B) acting as a trustee or depositary of a UCITS (article 51ZB);

(22C) managing an AIF (article 51ZC);

(22D) acting as a trustee or depositary of an AIF (article 51ZD);

(22E) establishing, operating or winding up a collective investment scheme (article 51ZE);

...

(38C) meeting of repayment claims (article 63N(1)(a));

(38D) managing dormant account funds (including the investment of such funds) (article 63N(1)(b));

(38E) providing information in relation to a specified benchmark

(article 63O(1)(a));

(38F) *administering a specified benchmark* (article 63O(1)(b));

...