

**DISPUTE RESOLUTION: COMPLAINTS (POLITICALLY EXPOSED PERSONS
AND PENSIONS OMBUDSMAN) INSTRUMENT 2018**

Powers exercised by the Financial Ombudsman Service

- A. The Financial Ombudsman Service Limited makes and amends the Voluntary Jurisdiction rules, and fixes and varies the standard terms for Voluntary Jurisdiction participants as set out in the Annexes to this instrument 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 18 (Terms of reference to the scheme) of Schedule 17; and
 - (3) paragraph 22 (Consultation) of Schedule 17.
- B. The making and amendment of the Voluntary Jurisdiction rules and the fixing and varying of the standard terms for Voluntary Jurisdiction participants by the Financial Ombudsman Service Limited is subject to the approval of the Financial Conduct Authority.

Powers exercised by the Financial Conduct Authority

- C. The Financial Conduct Authority makes this instrument in and under the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (the “Act”):
- (1) section 137A (FCA’s general rule making power);
 - (2) section 137T (General supplementary powers);
 - (3) section 139A (Power of the FCA to give guidance);
 - (4) section 226 (Compulsory jurisdiction); and
 - (5) paragraph 13 of Schedule 17 (FCA’s rules).
- D. The rule-making powers listed above are specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.
- E. The Financial Conduct Authority approves the Voluntary Jurisdiction rules made and amended and the standard terms for Voluntary Jurisdiction participants fixed and varied by the Financial Ombudsman Service Limited under this instrument.

Commencement

- F. This instrument comes into force on 1 April 2018.

Amendments to the Handbook

- G. The Glossary of definitions is amended in accordance with Annex A of this instrument.
- H. The Dispute Resolution: Complaints sourcebook (DISP) is amended in accordance with Annex B of this instrument.

Citation

- I. This instrument may be cited as the Dispute Resolution: Complaints (Politically Exposed Persons and Pensions Ombudsman) Instrument 2018.

By order of the Board of the Financial Ombudsman Service Limited
7 March 2018

By order of the Board of the Financial Conduct Authority
22 March 2018

Annex A

Amendments to the Glossary of definitions

Insert the following new definitions in the appropriate alphabetical position. The text is not underlined.

family member of a politically exposed person as defined in regulation 35(12) of the *Money Laundering Regulations*.

known close associate of a politically exposed person as defined in regulation 35(12) of the *Money Laundering Regulations*.

Pensions Ombudsman the person appointed as the Pensions Ombudsman by the Secretary of State under section 145 of the Pensions Schemes Act 1993.

politically exposed person as defined in regulation 35(12) of the *Money Laundering Regulations*.

Annex B

Amendments to the Dispute Resolution: Complaints sourcebook (DISP)

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

1 Treating complainants fairly

1.1 Purpose and application

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1.1.9A G The scope of this sourcebook does not include:

...

- (2) a *complaint* about the administration of an *occupational pension scheme*, because this is not a *regulated activity* (firms should refer complainants to the ~~Pensions Advisory Service~~ *Pensions Ombudsman* rather than to the Financial Ombudsman Service and should refer consumers' general requests for information or guidance to the Pensions Advisory Service).

...

1.2 Consumer awareness rules

...

The Pensions Ombudsman

1.2.6 G Where *respondents* are required to provide information in relation to the *Financial Ombudsman Service*, they may also, where relevant, do so in relation to the *Pensions Ombudsman* on the same basis as set out in *DISP* 1.2.1(4)R and *DISP* 1.2.3G.

1.2.7 G Where *respondents* are permitted to display or reproduce the *Financial Ombudsman Service* logo, they may, where relevant, also display or reproduce the *Pensions Ombudsman* logo (with consent) on the same basis as set out in *DISP* 1.2.5G.

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1.5 Complaints resolved by close of the third business day

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1.5.5A G A respondent may, where relevant, in a *summary resolution communication* (DISP 1.5.4R) refer to the availability of the *Pensions Ombudsman*, in addition to the *Financial Ombudsman Service*, by including the wording set out in DISP 1 Annex 4G.

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1.6 **Complaints time limit rules**

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1.6.6B G A respondent may, where relevant, in a response sent under the *complaints time limits rules* (DISP 1.6.2R and DISP 1.6.4R) refer to the availability of the *Pensions Ombudsman*, in addition to the *Financial Ombudsman Service*, by including the wording set out in DISP 1 Annex 4G.

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After DISP 1 Annex 3R (Appropriate wording for inclusion in a final response or written acceptance) insert the following new Annex. The text is not underlined.

1 Annex 4G Appropriate wording for inclusion in a final response, written acceptance or summary resolution communication

Reference to the availability of The Pensions Ombudsman
“You have the right to refer your complaint to The Pensions Ombudsman free of charge.
The Pensions Ombudsman can be contacted at [full current contact details and current website address].”

Amend the following as shown.

2 Jurisdiction of the Financial Ombudsman Service

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2.7 Is the complainant eligible?

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2.7.7A R In addition, an individual is an *eligible complainant* if:

- (1) they have been identified by the *respondent* as a *politically exposed person*, a *family member of a politically exposed person*, or a *known close associate of a politically exposed person*; and
- (2) their *complaint*:
 - (a) is that such identification is incorrect; or
 - (b) relates to an act or omission by the *respondent* in consequence of such identification.

...

TP 1 Transitional provisions

1.1 Transitional provisions table

(1)	(2) Material provision to which transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provision: coming into force
...					
<u>44</u>	<u>DISP 2.7.7AR</u>	<u>R</u>	<u>DISP 2.7.7AR applies in relation to a <i>complaint</i> concerning an act or omission which occurs on or after 26 June 2017.</u>	<u>1 April 2018</u>	<u>1 April 2018</u>

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