

**SMALL BUSINESS (ELIGIBLE COMPLAINANT) (AMENDMENT) INSTRUMENT
2019**

Powers exercised by the Financial Ombudsman Service

- A. The Financial Ombudsman Service Limited makes and amends the Voluntary Jurisdiction rules and guidance, and fixes and varies the standard terms for Voluntary Jurisdiction participants as set out in the Annex 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 8 (Guidance) of Schedule 17;
 - (3) paragraph 18 (Terms of reference to the scheme) of Schedule 17;
 - (4) paragraph 20 (Voluntary jurisdiction rules: procedure) of Schedule 17; and
 - (5) paragraph 22 (Consultation) of Schedule 17.
- B. The Financial Ombudsman Service Limited notes that, for the avoidance of doubt, the Transitional Provision at TP 1.1 in the Annex to this instrument applies equally to the Voluntary Jurisdiction of the Financial Ombudsman Service and the Compulsory Jurisdiction.
- C. The making and amendment of the Voluntary Jurisdiction rules and guidance 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

- D. The Financial Conduct Authority makes this instrument in the exercise of the following powers and related provisions of the Act:
- (1) section 137A (The 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(4) (FCA’s rules) of Schedule 17.
- E. The rule-making powers listed above are specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.
- F. The Financial Conduct Authority approves the Voluntary Jurisdiction rules and guidance to be made and amended and the standard terms for Voluntary Jurisdiction participants to be fixed and varied by the Financial Ombudsman Service Limited under this instrument.

Commencement

- G. This instrument comes into force on 1 April 2019, immediately after those changes made by the Small Business (Eligible Complainant) Instrument 2018 (FCA 2018/61) (FOS 2018/7) come into force.

Amendments to the Handbook

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

Citation

- I. This instrument may be cited as the Small Business (Eligible Complainant) (Amendment) Instrument 2019.

By order of the Board of the Financial Ombudsman Service Limited
27 March 2019

By order of the Board of the Financial Conduct Authority
28 March 2019

Annex

Amendments to the Dispute Resolution: Complaints sourcebook (DISP)

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

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
...					
51	<u>DISP 2.7.3R(3), (4) and (6)</u>	R	<u>The amendments to DISP 2.7.3R(3) and (4) and new paragraph DISP 2.7.3R(6) applies</u> only in relation to a <i>complaint</i> concerning an act or omission which occurs on or after 1 April 2019.	From 1 April 2019	From 1 April 2019
...					