DORMANT ASSETS INSTRUMENT 2022

Powers exercised by the Financial Conduct Authority

A. The Financial Conduct Authority (“the FCA”) makes this instrument in the exercise of the following powers and related provisions in or under:

   (1) the following sections of the Financial Services and Markets Act 2000 (“the Act”):

      (a) section 137A (The FCA’s general rules);
      (b) section 137T (General supplementary powers);
      (c) section 138D (Action for damages);
      (d) section 139A (Power of the FCA to give guidance); and
      (e) section 226 (Compulsory jurisdiction).

B. The rule-making powers listed above are specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

C. The Financial Conduct Authority consents to and approves the rules and guidance and standard terms made and amended and fixed and varied by the Financial Ombudsman Service Limited, as set out Annex F.

Powers exercised by the Financial Ombudsman Service Limited

D. The Financial Ombudsman Service Limited makes and amends the rules and guidance for the Voluntary Jurisdiction and fixes and varies the standard terms for Voluntary Jurisdiction participants, as set out in Annex F 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 (Information, advice and guidance) of Schedule 17;
   (3) paragraph 18 (Terms of reference to the scheme) of Schedule 17; and
   (4) paragraph 20 (Voluntary jurisdiction rules: procedure) of Schedule 17.

E. The making and amendment of the rules and guidance and the fixing and varying of the standard terms by the Financial Ombudsman Service Limited, as set out at paragraph D above, is subject to the consent and approval of the Financial Conduct Authority.

Commencement

F. This instrument comes into force on 1 August 2022.
Amendments to the Handbook

G. The modules of the FCA’s Handbook of rules and guidance listed in column (1) below are amended in accordance with the Annexes in this instrument listed in column (2).

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glossary</td>
<td>Annex A</td>
</tr>
<tr>
<td>Senior Management Arrangements, Systems and Controls sourcebook (SYSC)</td>
<td>Annex B</td>
</tr>
<tr>
<td>Fees manual (FEES)</td>
<td>Annex C</td>
</tr>
<tr>
<td>Banking: Conduct of Business sourcebook (BCOBS)</td>
<td>Annex D</td>
</tr>
<tr>
<td>Supervision manual (SUP)</td>
<td>Annex E</td>
</tr>
<tr>
<td>Dispute Resolution: Complaints sourcebook (DISP)</td>
<td>Annex F</td>
</tr>
</tbody>
</table>

Amendments to material outside the Handbook

H. The Perimeter Guidance manual (PERG) is amended in accordance with Annex G to this instrument.

Citation

I. This instrument may be cited as the Dormant Assets Instrument 2022.

By order of the Board of the Financial Conduct Authority
15 July 2022

By order of the Board of the Financial Ombudsman Service Limited
14 July 2022
Annex A

Amendments to the Glossary of definitions

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

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

- **dealing with unwanted asset money**
  - the *regulated activity* specified in article 63N(1)(c) of the *Regulated Activities Order*.

- **eligible pension benefits**
  - in *DISP 2.7.6R(14B)* means:
    
    *(a)* benefits in the form of *income withdrawal* that have become payable under a *personal pension scheme*;
    
    *(b)* benefits that have become payable under a *personal pension scheme*:
      
      *(i)* under which all benefits that may be provided are *money-purchase benefits*;
      
      *(ii)* which is not and has at no time been a *qualifying scheme* or an *automatic enrolment scheme* in relation to the member to, or in respect of, whom the benefits are payable; or
      
      *(iii)* an amount available to be paid as benefits under a *personal pension scheme* of a kind mentioned in paragraph *(b)*.

Amend the following definitions as shown.

- **account** *(1)*
  - (in relation to a *dormant account asset* relating to a *bank or building society*) has the meaning given in section 9 of the Dormant Bank and Building Society Accounts Act 2008, which is in summary:
    
    *(a)* an account which has at all times consisted only of *money* and is provided by a *bank* or *building society* as part of its *activity of accepting deposits*; and
    
    *(b)* in relation to a *building society*, it includes an *account* representing *shares* in the *society*, other than:
(i) preferential shares; or

(ii) deferred shares within the meaning given in section 119(1) of the Building Societies Act 1986.

(2) (in relation to a dormant asset relating to a long-term insurance contract, and an insurance institution as defined in section 2 of the Dormant Assets Act 2022) has the meaning given in section 3 of the Dormant Assets Act 2022 in relation to eligible insurance proceeds, which in summary is cash proceeds of a long-term insurance contract, after the appropriate adjustments have been made for such things as interest due and fees and charges payable, but excluding a contract relating to a with-profits policy, or an industrial assurance policy, or a policy that is subject to a trust, or proceeds held in a lifetime ISA where their transfer to a dormant asset fund operator would result in liability to pay a withdrawal charge to HMRC.

(3) (in relation to a dormant asset relating to a personal pension scheme, and a pensions institution as defined in section 5 of the Dormant Assets Act 2022) has the meaning given in section 6 of the Dormant Assets Act 2022 in relation to eligible pension benefits, which in summary means any of the following amounts (that have become payable after the appropriate adjustments have been made for such things as interest due and fees and charges payable):

(a) pension benefits in the form of income withdrawal that have become payable under a personal pension scheme; or

(b) pension benefits that have become payable under a personal pension scheme:

(i) under which all benefits that may be provided are money-purchase benefits; and

(ii) which is not and has at no time been a qualifying scheme or an automatic enrolment scheme in relation to the member to, or in respect of, whom the benefits are payable; or

(c) any amount available to be paid as benefits under a personal pension scheme of a kind mentioned in (b), but excluding benefits provided from sums invested in a with-profits fund.

balance (in relation to a person’s account) has the meaning given in section 8 of the Dormant Bank and Building Society Accounts Act 2008, which is in summary the amount owing to the person in respect of the account at any particular time, after the appropriate adjustments have been made for such
things as interest due and fees and charges payable. In relation to a time after a transfer of the balance to a dormant account asset fund operator, the adjustments include those that would fall to be made but for the transfer or transfers.

client

... (B) ...

... (6) ...

(7) (in relation to a dormant account money transferred to a dormant account asset fund operator) a person entitled to the balance in the dormant account held with a bank or building society which was transferred to a dormant account fund operator make a repayment claim.

common platform firm

(a) ...

(d) a dormant account asset fund operator.

dormant account asset

(1) (in relation to a bank or building society) has the meaning given in section 10 of the Dormant Bank and Building Society Accounts Act 2008, which is in summary an account that at a particular point in time:

(a) has been open throughout the period of 15 years ending at that time; and

(b) during that period no transactions have been carried out in relation to the account by or on the instructions of the holder of the account; or

(2) (in relation to long-term insurance contract, and an insurance institution as defined in section 2 of the Dormant Assets Act 2022) has the meaning given in section 4 of the Dormant Assets Act 2022, which in summary is any of the four conditions set out in section 4 that must be met for an asset to be considered dormant in relation to eligible insurance proceeds; or

(3) (in relation to a personal pension scheme, and a pensions institution as defined in section 5 of the Dormant Assets Act 2022) has the meaning given in section 7 of the Dormant Assets Act 2022, which in summary is any of the four conditions set out in section 7 that must be met for an asset to be considered dormant in relation to eligible pension benefits.
dormant account asset funds

(1) (in relation to a bank or building society) has the meaning given in section 5(6) of the Dormant Bank and Building Society Accounts Act 2008, which is money paid to a dormant account asset fund operator by a bank or building society in respect of a dormant account asset; or

(2) (in relation to long-term insurance contract, and an insurance institution as defined in section 2 of the Dormant Assets Act 2022) is money paid to a dormant asset fund operator by an insurer in accordance with section 2(1) of the Dormant Assets Act 2022; or

(3) (in relation to a personal pension scheme, and a pensions institution as defined in section 5 of the Dormant Assets Act 2022) is money paid to a dormant asset fund operator by an operator of a personal pension scheme in accordance with section 5(1) of the Dormant Assets Act 2022.

dormant asset account fund operator

a firm with permission for operating a dormant account asset fund.

long-term insurance contract

(1) (in accordance with article 3(1) of the Regulated Activities Order (Interpretation: general)) any contract of insurance within Part II of Schedule 1 to the Regulated Activities Order (Contracts of long-term insurance), namely:

(a) …

…

(2) in DISP 2.7.6(14A) a long-term insurance contract does not include:

(a) a with-profits policy;

(b) an industrial assurance policy; or

(c) a policy that is the subject of a trust.

managing dormant account asset funds (including the investment of such funds)

relevant parts of the regulated activity, specified in article 63N(1)(b) of the Regulated Activities Order, which is the acceptance of a transfer by a bank or building society of the balance of a dormant account, or a proportion of such a balance, and the management of those funds (including the investment of such funds) in such a way as to enable the dormant account fund operator to meet whatever repayment claims it is prudent to anticipate, means:

(a) the acceptance of transfers of amounts as mentioned in section 1(1)(a) or 2(1)(a) of the Dormant Bank and Building Society Accounts Act 2008 or section 2(1)(a) or 5(1)(a) of the Dormant Assets Act 2022; and
(b) the management of those funds in such a way as to enable the dormant asset fund operator to meet whatever repayment claims it is prudent to anticipate; and

c) dealing with those funds with a view to the transfer of amounts to the body or bodies for the time being specified in section 16 of the Dormant Bank and Building Society Accounts Act 2008.

meeting of repayment claims

operating a dormant account asset fund

any of the regulated activities of:

(a) meeting of repayment claims; or

(b) managing dormant account asset funds (including the investment of such funds).

regulated activity

(A) in the PRA Handbook:

[...]

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

[...]

(B) in the FCA Handbook: (in accordance with section 22 of the Act (Regulated activities)) the activities specified in Part II (Specified activities), Part 3A (Specified activities in relation to information) and Part 3B (Claims management activities in Great Britain) of the Regulated Activities Order, which are, in summary:

[...]

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

[...]

repayment claim

(in relation to a dormant account) a claim for repayment made by virtue of sections 1(2)(b) or 2(2)(b) of the Dormant Bank and Building Society Accounts Act 2008, that is, in summary, that the customer has against the dormant account fund operator whatever right to payment of the balance the customer would have against the bank or building society if the transfer (or in the case of section 2(2)(b), transfers) had not happened. In this definition, ‘customer’ is the person who held with a bank or building society the balance of a dormant account transferred to a dormant account fund operator or of sections 2(2)(b), 3(b), 5(2)(b), or 14(2)(b) of the Dormant Assets Act 2022.
Annex B

Amendments to the Senior Management Arrangements, Systems and Controls sourcebook (SYSC)

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

1 Application and purpose

...

1 Annex 1 Detailed application of SYSC

...

<table>
<thead>
<tr>
<th>Part 2</th>
<th>Application of the common platform requirements (SYSC 4 to 10)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>2.11</td>
<td>R The common platform requirements on financial crime apply as set out in SYSC 1 Annex 1 2.8R, except that they do not apply:</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2) in relation to the following regulated activities:</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(h) meeting of repayment claims and managing dormant account asset funds (including the investment of such funds); and</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Part 3 Tables summarising the application of the common platform requirements to different types of firm

...

Common platform firm

<table>
<thead>
<tr>
<th>3.2</th>
<th>G For a common platform firm (other than a dormant account asset fund operator not subject to MiFID):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>3.2-A</td>
<td>R</td>
</tr>
<tr>
<td>3.2-B</td>
<td>R</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Annex C

Amendments to the Fees manual (FEES)

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

3 Application, Notification and Vetting Fees

…

3 Annex 1R

Authorisation fees payable

…

Part 2- Pricing categories applicable to applications made in the following activity groupings in the A, B, C, CC and CMC fee blocks

<table>
<thead>
<tr>
<th>Activity grouping</th>
<th>Description</th>
<th>Applicable pricing category in FEES 3 Annex 1AR</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.1</td>
<td>Deposit acceptors (excluding e-money issuers and credit unions) and dormant account asset fund operators</td>
<td>7</td>
</tr>
<tr>
<td>…</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3 Annex 16R

Fees for an application for variation of permission

The fee relevant to the application is due on or before the date the application is made.

<table>
<thead>
<tr>
<th>Application type</th>
<th>Applicable pricing category in FEES 3 Annex 1AR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Reduction in the scope of the applicant’s permissions and no other increases</td>
</tr>
<tr>
<td>…</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Any applicant in activity group A.1 which applies for the permissions of meeting of repayment claims or managing dormant account asset funds (including the investment of such funds)</td>
</tr>
</tbody>
</table>

Page 10 of 26
4 Periodic fees

4 Annex FCA activity groups, tariff bases and valuation dates

1AR FCA activity groups, tariff bases and valuation dates

Part 1

This table shows how the FCA links the regulated activities for which a firm has permission to activity groups (fee-blocks). A firm can use the table to identify which fee-blocks it falls into based on its permission.

<table>
<thead>
<tr>
<th>Activity group</th>
<th>Fee payer falls in the activity group if:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.1 Deposit acceptors</td>
<td>its permission includes accepting deposits or operating a dormant asset fund BUT DOES NOT include either of the following: effecting contracts of insurance; carrying out contracts of insurance.</td>
</tr>
</tbody>
</table>

Part 2

This table sets out the activity groups (fee blocks) in relation to (i) the minimum fees payable to the FCA and (ii) the prudential fee payable to the FCA.

<table>
<thead>
<tr>
<th>Activity group</th>
<th>Fee payer falls into the fee-block if</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.0 FCA minimum fee</td>
<td>(1) it is in at least one of the fee blocks under Part 1; and (2) it is not: (a) a UK ISPV; or (b) a firm whose only permission is operating a dormant asset fund account; or (c) a firm exclusively carrying on credit-related regulated activities; or (d) a funeral plan intermediary or provider in fee-block A.23.</td>
</tr>
</tbody>
</table>
Part 3
This table indicates the tariff base for each fee-block set out in Part 1.
The tariff base in this Part is the means by which the FCA measures the amount of business conducted by a firm for the purposes of calculating the annual periodic fees payable to the FCA by that firm.

<table>
<thead>
<tr>
<th>Activity group</th>
<th>Tariff base</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.1</td>
<td>…</td>
</tr>
</tbody>
</table>

Note:
For a dormant account asset fund operator the tariff base is not relevant and the flat fee in FEES 4 Annex 2AR is payable.

Part 4
This table indicates the tariff base for each fee block set out in Part 2.
The tariff base in this Part is the means by which the FCA measures the amount of business conducted by a firm for the purposes of calculating the annual periodic fees payable to the FCA by that firm.

<table>
<thead>
<tr>
<th>Activity group</th>
<th>Tariff base</th>
</tr>
</thead>
<tbody>
<tr>
<td>…</td>
<td></td>
</tr>
<tr>
<td>AP.0</td>
<td>The total periodic fees payable as a result of fee blocks A.2 and A.7 to A.19 and A.23 in Part 1 of FEES 4 Annex 2AR excluding any periodic fee for operating a dormant asset fund account.</td>
</tr>
</tbody>
</table>

4 Annex FCA Fee rates for the period from 1 April 2022 to 31 March 2023

Page 12 of 26
Activity group | Fee payable
--- | ---
A.1 | …

The tariff rates in A.1 are not relevant for the permissions relating to operating a dormant account asset fund. Instead a flat fee of £6,762 is payable in respect of these permissions.

5 Financial Ombudsman Service Funding

5 Annex 1R Annual General Levy Payable in Relation to the Compulsory Jurisdiction for 2022/23

2. The total amount expected to be raised through the general levy in 2022/23 will be £106m.

Compulsory jurisdiction - general levy

<table>
<thead>
<tr>
<th>Industry block</th>
<th>Tariff base</th>
<th>General levy payable by firm</th>
</tr>
</thead>
</table>
| 1-Deposit acceptors, home finance providers, home finance administrators (excluding firms in block 14) and dormant account asset fund operators | Number of accounts relevant to the activities in DISP 2.6.1R as at 31 December 
In the case of dormant account asset fund operators, the tariff base is the number of eligible activated accounts (8). | £0.150 per relevant account, subject to a minimum levy of £100 |

Notes
8 Eligible activated accounts are the number of *repayment claims* met by the *dormant account asset fund operator* as at the 31 December.

### 6 Financial Services Compensation Scheme Funding

...  

### 6 Annex 3AR Financial Services Compensation Scheme - classes and categories

<table>
<thead>
<tr>
<th>Class 2</th>
<th>Investment Intermediation Claims</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category 2.4</th>
<th>Structured deposits provision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Firms with permission for:</strong></td>
<td><em>accepting deposits and/or operating a dormant account asset fund</em>. BUT does not include any fee payer who either effects or carries out <em>contracts of insurance</em>.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Class 6</th>
<th>Deposit acceptors’ contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Firms with permission for:</strong></td>
<td><em>accepting deposits and/or operating a dormant account asset fund</em>. BUT does not include any fee payer who either effects or carries out <em>contracts of insurance</em>.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**Annex D**
Amendments to the Banking: Conduct of Business sourcebook (BCOBS)

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

5 Post sale

5.1 Post sale requirements

... 

Lost and dormant accounts assets

...

5.1.10 R If a firm participates in the scheme under the Dormant Bank and Building Society Accounts Act 2008, it must inform a banking customer of this fact and provide appropriate information regarding the terms of the scheme on entering into communications with a banking customer regarding a dormant account asset.
Annex E

Amendments to the Supervision manual (SUP)

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

3 Auditors

3.1 Application

... 

3.1.2 R Applicable sections (see SUP 3.1.1R)

...

<table>
<thead>
<tr>
<th>(1) Category of firm</th>
<th>(2) Sections applicable to the firm</th>
<th>(3) Sections applicable to its auditor</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Bank, building society or dormant account asset fund operator which in each case carries on designated investment business (Notes 2A and 6)</td>
<td>SUP 3.1 - SUP 3.7, SUP 3.11</td>
<td>SUP 3.1, SUP 3.2, SUP 3.8, SUP 3.10</td>
</tr>
<tr>
<td>(5) Bank, building society or dormant account asset fund operator which in each case does not carry on designated investment business (Notes 2A)</td>
<td>SUP 3.1 - SUP 3.7</td>
<td>SUP 3.1, SUP 3.2, SUP 3.8</td>
</tr>
<tr>
<td>...</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6 Applications to vary and cancel Part 4A permission and to impose, vary or cancel requirements

... 

6.2 Introduction

... 

Firms with long term liabilities to customers

6.2.8 G Discussions with the appropriate regulator are particularly relevant where the firm has to discharge obligations to its customers or policyholders before it can cease carrying on a regulated activity. This may be the case, for
example, where the firm is an insurer, a bank, a dormant account asset fund operator, or, as is often the case, holding client money or customer assets.

6.2.9 G If an insurer, a bank, or a dormant account asset fund operator wishes to cease carrying on all regulated activities for which it has Part 4A permission, it will usually be necessary to wind down the business over a long term period which is normally more than six months. This may also be the case for a firm holding client money or customer assets. In these circumstances, it will usually be appropriate for the firm to apply for variation of its Part 4A permission and/or imposition of a new requirement, variation of any existing requirement or cancellation of such a requirement before commencing the wind-down. A firm should only make an application for cancellation of permission when it expects to complete its wind-down (run-off) within six months.

...  

6.4 Applications for cancellation of permission  

...  

6.4.4 G Additional guidance for a firm carrying on insurance business, accepting deposits, operating a dormant account asset fund or which holds client money or customer’s assets is given in SUP 6 Annex 4. As noted in SUP 6.2.9G, it will usually be appropriate for a firm to apply for variation of its Part 4A permission and/or the imposition, variation or cancellation of a requirement while winding down (running off) its regulated activities and before applying to cancel its Part 4A permission.

...  

6 Annex 4.1G Additional guidance for a firm winding down (running off) its business  

1. If a firm has Part 4A permission which enables it to hold client money or to carry on regulated activities including:

...  

(d) meeting of repayment claims or managing dormant account asset funds (including the investment of such funds);

...  

15 Notifications to the FCA  

...  

15.3 General notification requirements
Communication with the appropriate regulator in accordance with Principle 11

15.3.8 G Compliance with Principle 11 includes, but is not limited to, giving the FCA notice of:

(1) any proposed restructuring, reorganisation or business expansion which could have a significant impact on the firm’s risk profile or resources, including, but not limited to:

(...)

(e) entering into, or significantly changing, a material outsourcing arrangement (a bank, a building society and a dormant account asset fund operator should also see SYSC SYSC 8, and an insurer should also see SYSC 13.9 for further details); or

(...)

(i) in relation to a dormant account asset fund operator, notify the FCA when the operator intends to rely on a third party for the performance of operational functions which are critical or important for the performance of relevant services and activities in connection with operating a dormant account asset fund on a continuous and satisfactory basis;

(...)

16 Reporting requirements

16.1 Application

(...)

16.1.3 R Application of different sections of SUP 16 (excluding SUP 16.13, SUP 16.15, SUP 16.22 and SUP 16.26)

<table>
<thead>
<tr>
<th>(1) Section(s)</th>
<th>(2) Categories of firms to which this section applies</th>
<th>(3) Applicable rules and guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td></td>
<td>...</td>
</tr>
<tr>
<td>SUP 16.10</td>
<td>All categories of firm except:</td>
<td>...</td>
</tr>
</tbody>
</table>
(a) an ICVC; and

... 

(d) a dormant account asset fund operator.

... 

16.7A Annual report and accounts

... 

Requirement to submit annual report and accounts

16.7A.3 A firm in the RAG in column (1) and which is a type of firm in column (2) must submit its annual report and accounts to the FCA annually on a single entity basis.

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RAG</td>
<td>Firm type</td>
</tr>
<tr>
<td>1</td>
<td>UK bank</td>
</tr>
<tr>
<td></td>
<td>Dormant account asset fund operator</td>
</tr>
<tr>
<td></td>
<td>A non-UK bank</td>
</tr>
</tbody>
</table>

16.10 Verification of firm details

Application

16.10.1 The effect of SUP 16.1.1 R is that this section applies to every firm except:

... 

(2A) an AIFM qualifier; or

(4) a dormant account asset fund operator.

... 

16.12 Integrated Regulatory Reporting

...
Reporting requirement

16.12.4 R Table of applicable rules containing data items, frequency and submission periods

<table>
<thead>
<tr>
<th>RAG number</th>
<th>Regulated Activities</th>
<th>Provisions containing:</th>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RAG 1</td>
<td>• accepting deposits • meeting of repayment claims • managing dormant account asset funds (including the investment of such funds)</td>
<td>RAG 1 firms should complete their prudential reporting requirements as set out in the PRA Rulebook.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

App 2 Insurers: Regulatory intervention points and run-off plans

App 2.1 Application

... SUP App 2.1.7G is made by the FCA for the purpose of its application to dormant account asset fund operators, rather than insurers.

App 2.2 Interpretation

App 2.2.1 R For the purpose of SUP App 2.1 to 2.14:

(1) “capital resources”: 
(c) in relation to any other firm which is not a Solvency II firm, means the firm’s capital resources as calculated in accordance with:

(i) in the case of a dormant account asset fund operator, the version of GENPRU 2.2.17R that applied as at 31 December 2015 (the effect of which has been preserved for the purposes of INSPRU 7); and

App 2.7  Capital resources below the level of individual capital guidance

App 2.7.1  G  For a dormant fund account asset fund operator, unless any of SUP App 2.4.1R, SUP App 2.5.1R, SUP App 2.5.3R or SUP App 2.6.1R applies, if a firm’s circumstances change, such that its capital resources have fallen, or are expected to fall, below the level advised in individual capital guidance given to the firm by the FCA, then, consistent with PRIN 2.1.1R Principle 11 (Relations with regulators), a firm should inform the appropriate regulator of this fact as soon as practicable, explaining why capital resources have fallen, or are expected to fall, below the level advised in individual capital guidance, and:

(1) …
Annex F

Amendments to the Dispute Resolution: Complaints sourcebook (DISP)

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

2 Jurisdiction of the Financial Ombudsman Service

…

2.5 To which activities does the Voluntary Jurisdiction apply?

2.5.1R R 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:

(a) an activity (other than auction regulation bidding, and administering a benchmark, meeting of repayment claims and managing dormant asset funds (including the investment of such funds)) carried on after 28 April 1988 which:

…

(c) activities, other than regulated claims management activities, and activities ancillary to regulated claims management activities, meeting of repayment claims and managing dormant asset funds (including the investment of such funds), which (at 29 July 2022 1 August 2022) would be 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);

…

2.7 Is the complainant eligible?

…

2.7.6 R To be an eligible complainant a person must also have a complaint which arises from matters relevant to one or more of the following relationships with the respondent:

(1) …

…
(14) (where the respondent is a dormant account asset fund operator) the complainant is (or was) a customer of a bank or building society which transferred any balance from a dormant account asset to the respondent;

(14A) (where the respondent is a dormant asset fund operator) subject to DISP 2.7.6AR, the complainant is (or was) a person to whom the proceeds of a long-term insurance contract were payable by an insurer, but which instead were transferred by the insurer to the respondent;

(14B) (where the respondent is a dormant asset fund operator) subject to DISP 2.7.6BR, the complainant is (or was) a member of a personal pension scheme which transferred any eligible pension benefits due to the complainant to the respondent;

2.7.6A R DISP 2.7.6R (14A) does not include proceeds of a contract of insurance held in a lifetime ISA if their transfer to a dormant asset fund operator resulted in (or would result in) liability to pay a lifetime ISA government withdrawal charge.

2.7.6B R Benefits under a personal pension scheme in DISP 2.7.6R(14B) are excluded from being ‘eligible pension benefits’ if (or to the extent that) they are provided from sums invested in a with-profits fund.

2 Annex 1G Regulated Activities for the Voluntary Jurisdiction at 29 July 2022 1 August 2022

This table belongs to DISP 2.5.1R

The activities which were covered by the Compulsory Jurisdiction (at 29 July 2022 1 August 2022) were:

(1) for firms:

…

(9)

The activities which (at 29 July 2022 1 August 2022) were regulated activities were, in accordance with section 22 of the Act (Regulated Activities), any of the following activities specified in Part II and Parts 3A and 3B of the Regulated Activities Order (with the addition of auction regulation bidding and administering a benchmark):

(1) accepting deposits (article 5);
…

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

…

4 Standard terms

…

4.2 Standard terms

…

Application of DISP 1 to DISP 3

4.2.3 R The following rules and guidance apply to VJ participants as part of the standard terms, except where the context requires otherwise:

…

(2) DISP 2 (Jurisdiction of the Financial Ombudsman Service), except:

(a) DISP 2.3 (Compulsory Jurisdiction); and

(b) DISP 2.7.6(14);

(c) DISP 2.7.6(14A);

(d) DISP 2.7.6(14B); and

…
Annex G

Amendments to the Perimeter Guidance manual (PERG)

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

2 Authorisation and regulated activities

...

2.5 Investments and activities: general

...

2.5.1-A G The following regulated activities may be carried on in relation to property of any kind:

...

(8) meeting of repayment claims; and

(9) managing dormant account asset funds (including the investment of such funds); and

(10) dealing with unwanted asset money.

...

2.7 Activities: a broad outline

...

Dormant account funds

2.7.20C G There are two three regulated activities associated with the activities of a dormant account asset fund operator under the Dormant Bank and Building Society Accounts Act 2008:

(1) the meeting of repayment claims; and

(2) managing dormant account asset funds (including the investment of such funds); and

(3) dealing with unwanted asset money.

...

Agreeing
2.7.21 G Agreeing to carry on most regulated activities is itself a regulated activity. But this is not the case if the underlying activities to which the agreement relates are those of accepting deposits, issuing electronic money, effecting or carrying out contracts of insurance, operating a multilateral trading facility, operating an organised trading facility, managing dormant account asset funds, the meeting of repayment claims, dealing with unwanted asset money, managing a UK UCITS, acting as trustee or depositary of a UK UCITS, managing an AIF, acting as trustee or depositary of an AIF, establishing, operating or winding up a collective investment scheme, establishing, operating or winding up a stakeholder pension scheme or establishing, operating or winding up a personal pension scheme. A person will need to make sure that it has appropriate authorisation at the stage of agreement and before it actually carries on the underlying activity (such as the dealing or arranging).