

# IFAs' Legitimate Expectation

S.I = Statutory Instrument

Scheme rules applying to relevant complaints

5. - (1) In paragraph 14 of Schedule 17 (the scheme operator's rules), references to "complaints" are to be taken to include relevant complaints.

(2) Paragraph (1) is subject to the following -

(c) in deciding whether a relevant complaint is to be dismissed without consideration of its merits as mentioned in paragraph 14(2)(b) of that Schedule, an ombudsman is to take into account whether an equivalent complaint would have been so dismissed under the former scheme in question, as it had effect immediately before commencement; and any scheme rules made under paragraph 14(2)(b) and (3) of that Schedule (rejection of a complaint without consideration of its merits) are to be read accordingly.

The draft Order

1.2 Part XVI of FSMA requires the FSA to establish a scheme to deal with disputes relating to acts or omissions occurring at a time when jurisdiction rules (compulsory or voluntary) were in force in relation to the activity in question. **The compulsory jurisdiction rules will be made by the FSA[1]. They will only apply to acts or omissions occurring on or after N2.** In order to enable the FOS to take over responsibility for dealing with complaints against members of the former schemes relating to events that occurred before N2, the Treasury needs to make transitional provisions using the powers conferred by FSMA.

