

Compensation

COMP TP 1 Transitional Provisions

(1)	(2)	(3)	(4)		(5)	(6)
	Material to which the transitional provision applies		Transitional Provision		Transitional provision: dates in force	Handbook Provisions: coming into force
1	COMP 5	R	<i>Protected claims</i>		Indefinitely	<i>Com-mencement</i>
			(1)	[deleted]		
			(2)	[deleted]		
			(3)	A claim in connection with protected investment business includes a claim in respect of a pending application.		
			(4)	Where the claim is in respect of a pending application, the FSCS must apply the rules of the relevant former scheme, as they applied to the default before commencement.		
			(5)	The rules of each investment business compensation scheme are amended so that references to the person managing the scheme are replaced by references to the FSCS.		
			(6)	[deleted]		
			(7)	[deleted]		
			(8)	Where the default occurs after commencement, a claim in connection with protected investment business includes a claim that could have been entertained under an investment business compensation scheme (provided that the person making the claim has not also made a pending		

(1)	(2)	(3)	(4)	(5)	(6)
	Material to which the transitional provision applies		Transitional Provision	Transitional provision: dates in force	Handbook Provisions: coming into force
			<i>application arising out of the same set of facts).</i>		
2	COMP 13.5 and COMP 13.6	R	Expired		
3	COMP 13.4.6 R and COMP 13.6.7 R	R	Expired		
4	COMP 13.5.8 R	R	Expired		
5	COMP 6.2.1 R	R	[deleted]		
6	COMP 6.2.1 R	G	[deleted]		
7	COMP 6.2.1 R	G	[deleted]		
8	Amendments introduced by the Compensation Sourcebook (Amendment No.2) Instrument 2003.	R	[deleted]		
9	COMP 13.6.8 R	R	Expired		
10	COMP 5.7.1 R, COMP 13.4.7 R and COMP 13.6.9 R	R	[deleted]		
11	FEES 6.3.1 R, FEES 6.3.22 R, FEES 6.4.8 R, FEES 6.4.6 R, FEES 6.5.1 R and FEES 6.5.6 R	R	[deleted]		
12	FEES 6.5.7 R (4), FEES 6.3.22 R, FEES 6.4.6 R, FEES 6.4.8 R, FEES 6.5.1 R, and FEES 6.5.6 R	R	[deleted]		
13	FEES 6.5.7 R (4), FEES 6.5.10 R, and	R	[deleted]		

(1)	(2)	(3)	(4)	(5)	(6)
	Material to which the transitional provision applies		Transitional Provision	Transitional provision: dates in force	Handbook Provisions: coming into force
	FEES 6.5.13 R (2)				
14	FEES 6.5.7 R (5), FEES 6.5.11 R, and FEES 6.5.13 R (2)		[deleted]		
15	COMP 5.4.4 R (4)(a) and COMP 5.4.4 R (4)(b)	R	[deleted]		
16	COMP 10.2.3 R	R	[deleted]		
17	Amendments introduced by the Compensation Sourcebook (Amendment No 8) Instrument 2008	R	Provisions and definitions arising out of (2) only apply to defaults on or occurring after 7 October 2008	From 7 October 2008 indefinitely	7 October 2008
18	COMP 10.2.3 R	R	[deleted]		
19	Amendments to COMP 10.2.3 R introduced by the Financial Services Compensation Scheme (Limits Amendment) Instrument 2009	R	Provisions and definitions arising out of (2) only apply to defaults on or occurring after 1 January 2010.	From 1 January 2010 indefinitely	1 January 2010
20	COMP 4.3.1 R	R	[deleted]		
21	COMP 17.3 and COMP 17.2.7 R	R	[deleted]		
22	COMP 17.3	R	[deleted]		
23	COMP 17.3.10 R and COMP 17.3.12 R	R	[deleted]		
24	COMP 10.2.3 R	R	[deleted]		

(1)	(2)	(3)	(4)	(5)	(6)
	Material to which the transitional provision applies		Transitional Provision	Transitional provision: dates in force	Handbook Provisions: coming into force
25	The amendment of all references in <i>COMP</i> (other than in the heading in respect of <i>COMP</i> 12.2.4 R) to "overall net <i>claim</i> " to "overall <i>claim</i> "	R	The changes referred to in (2) made by the Financial Services Compensation Scheme (Banking Compensation Reform) Instrument 2009 do not apply in relation to a <i>claim</i> against a <i>relevant person</i> that was <i>in default</i> before 31 December 2010.	From 31 December 2010 indefinitely	From 31 December 2010
26	<i>COMP</i> 12.3.1 R and <i>COMP</i> 15.1.12 R	R	[deleted]		
27	<i>COMP</i> 4.2.2 R(9)	R	The changes referred to in (2), made by the Compensation Sourcebook (Occupational Pension Scheme Trustees) Instrument 2011 do not apply in relation to a <i>claim</i> against a <i>relevant person</i> that was <i>in default</i> before 1 October 2011.	From 1 October 2011 indefinitely	From 1 October 2011
28	<i>COMP</i> 16.3	R	[deleted]		
29	<i>COMP</i> 17	R	[deleted]		
30	<i>COMP</i> 17.3 and <i>COMP</i> 17.2.7 R	R	[deleted]		
31	<i>COMP</i> 17.3	R	[deleted]		
32	<i>COMP</i> 17.3.10 R and <i>COMP</i> 17.3.12 R	R	[deleted]		
33	Amendments introduced by Annex A and Part 1 of Annex B of the Compensation Sourcebook (Amendment No 9) Instrument 2012.	R	The changes referred to in (2) do not apply in relation to a <i>claim</i> against a <i>relevant person</i> that was <i>in default</i> before 1 October 2012. Notwithstanding the above the changes to <i>COMP</i> 12.2.10 R apply irrespective of when the default occurred.	From 1 October 2012 indefinitely	From 1 October 2012
34	Amendments introduced by the Compensation	R	The changes referred to in (2) do not apply in relation to a <i>claim</i> against a <i>relevant person</i> that was <i>in default</i> before 13 December 2013.	From 13 December 2013 indefinitely	From 13 December 2013

(1)	(2)	(3)	(4)	(5)	(6)
	Material to which the transitional provision applies		Transitional Provision	Transitional provision: dates in force	Handbook Provisions: coming into force
	Sourcebook (Investments by Large Unincorporated Associations and Certain Large Partnerships) Instrument 2013				
35	All the <i>rules</i> and <i>guidance</i> in <i>COMP</i> applicable to <i>protected home finance mediation</i> .	R	The <i>compensation scheme</i> does not provide cover for <i>claims</i> in respect of any mortgage mediation activity relating to a <i>second charge regulated mortgage contract</i> if: (1) the <i>relevant person</i> was in <i>default</i> before 21 March 2016; or (2) the basis for the <i>claim</i> arose before 21 March 2016.	From 21 March 2016 indefinitely	Not applicable
35	Amendments introduced by the Compensation Sourcebook (Large unincorporated associations) Instrument 2013	R	[deleted]		
36	COMP 17.2.1 R and COMP 17.2.3 R	R	[deleted]		
37	COMP 10.2.3R(2), (3) and (4)	R	The rules referred to in (2) do not apply in relation to a <i>claim</i> against a <i>relevant person</i> , or against a <i>successor</i> , that was <i>in default</i> before 29 April 2016. Instead, COMP 10.2.3R(5) will continue to apply to such <i>claims</i> .	From 29 April 2016 indefinitely	29 April 2016
38	COMP 4.2.2R(4), COMP 4.2.2R(9) and COMP 12.6.2AR	R	The changes referred to in (2) do not apply to a <i>claim</i> against a <i>relevant person</i> , or against a <i>successor</i> , that was <i>in default</i> before 29 April 2016.	From 29 April 2016 indefinitely	29 April 2016

(1)	(2)	(3)	(4)	(5)	(6)
	Material to which the transitional provision applies		Transitional Provision	Transitional provision: dates in force	Handbook Provisions: coming into force
39	Amendments introduced by the Compensation Sourcebook (Amendment No 10) Instrument 2016	R	Where a <i>claim</i> is against a <i>successor</i> that is not an <i>authorised person</i> , provisions and definitions arising out of (2) only apply if the default occurs on or after 29 April 2016 and the transfer, under which the <i>successor</i> assumed responsibility for liabilities arising from acts or omissions of the <i>relevant person</i> , occurred on or after 1 April 2013.	From 29 April 2016 indefinitely	29 April 2016
39A	Amendments introduced by the Financial Services Compensation Scheme (Extension of Scope to Recognised Investment Exchanges) Instrument 2017	R	The changes referred to in (2) do not apply in relation to a <i>claim</i> against a <i>recognised investment exchange</i> , or against a <i>successor</i> , arising from acts or omissions before 3 January 2018.	From 3 January 2018 indefinitely	3 January 2018
40	Amendments introduced by the Financial Services Compensation Scheme (Funding and Scope) Instrument 2017	R	The changes referred to in column (2) do not apply in relation to a <i>claim</i> against a <i>relevant person</i> , or against a <i>successor</i> , that was in <i>default</i> before 1 April 2018.	From 1 April 2018 indefinitely	1 April 2018
41	Amendments introduced by the Financial Services Compensation Scheme (Funding Review) Instrument 2018	R	The changes referred to in column (2) do not apply in relation to a <i>claim</i> against a <i>relevant person</i> , or against a <i>successor</i> , that was in <i>default</i> before 1 April 2019.	From 1 April 2019 indefinitely	1 April 2019

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Schedule 1 Record-keeping requirements

Sch 1.1 G

1. The aim of the guidance in the following table is to give the reader a quick overall view of the relevant record keeping requirements. The Rules listed below apply only to FSCS (the scheme manager).
2. It is not a complete statement of those requirements and should not be relied upon as it were.

Sch 1.2 G

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
FEES 6.3.14 R	FSCS funding	Full details of the movement of funds within sub-schemes.	Ongoing requirement.	N/A
[deleted]				
[deleted]				

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Schedule 2 Notification requirements

Sch 2.1 G

1. The aim of the guidance in the following table is to give the reader a quick overall view of the relevant requirements for notification and reporting. In all cases, other than those concerning Chapter 14 and the Transitional Provisions, the notification rules in *COMP* apply only to the *FSCS* (the scheme manager).
2. It is not a complete statement of those requirements and should not be relied on as if it were.

Sch 2.2 G

Handbook reference	Matter to be notified	Contents of notification	Trigger event	Time allowed
COMP 2.2.5G	Annual Report	Not specified in <i>COMP</i> - see Memorandum of Understanding (MoU) between the <i>FCA</i> and the <i>FSCS</i>	End of Financial Year	Not specified in <i>COMP</i> (see MoU)
COMP 2.2.7R	Default of <i>relevant person</i> or <i>successor</i>	Not specified - although the <i>FSCS</i> must take appropriate steps to ensure claimants are informed about how they can claim compensation	default of a <i>relevant person</i> or <i>successor</i>	Not specified - but as soon as practicable after determining default
FEES 6.2.1AR	Right to exemption for specific costs and compensation costs levy	Notice that firm does not conduct business that could give rise to a claim on the <i>FSCS</i> and has no reasonable likelihood of doing so	If it does not, or if it ceases to, conduct business with persons eligible to claim on the <i>FSCS</i> , unless it has already given such notice	None specified though exemption generally only takes effect from the date of receipt of notice by the <i>FSCS</i>
FEES 6.2.4 R	Loss of right to seek exemption from specific costs & com-	Statement that firm no longer qualifies for exemption because	Firm loses the right to claim the exemption.	As soon as reasonably practicable

Handbook reference	Matter to be notified	Contents of notification	Trigger event	Time allowed
	pensation costs levy	it carries on business with persons eligible to claim on FSCS		
FEES 6.5.13 R	Levy base for participant firm	The contribution groups to which the participant firm belongs. The total amount of business (measured in accordance with the appropriate tariff bases, which it conducted as at 31 December of the previous year)	The end of the calendar year (the occasion of 31 December every year beginning with 31 December 2001)	By end February or the date requested by the FCA where the <i>firm</i> becomes a <i>participant firm</i> part way through the <i>financial year</i>
FEES 6.7	Participant firms compensation levy for the financial year	Amount of levy payable by the participant firm	The decision by the FSCS that it must impose a levy	30 days before the levy is payable
COMP 14.2.1R	Application by eligible inward passporting <i>EEA firm</i> to obtain <i>top-up cover</i> into <i>compensation scheme</i>	That firm is qualifying incoming EEA firm. The sub-scheme(s) the firm wishes to participate in. Confirmation that the level or scope of cover offered by its home state scheme(s) is less than that available in the UK.	The <i>firm's</i> decision that it wishes to obtain <i>top-up cover</i> into the UK scheme.	N/A
COMP 14.4.5R	Termination of top-up cover	Statement that incoming EEA firm is terminating top-up cover	Decision by firm to resign from FSCS	6 months notice
COMP 14.4.6R	Termination of inward passporting EEA firm's top-up cover into compensation scheme	The firm's resignation from the compensation scheme and the level of compensation available to clients of the firm's UK branch following its decision to resign from FSCS	Termination of firm's top-up cover	No later than six weeks after the end of the firm's participation in compensation scheme

Handbook reference	Matter to be notified	Contents of notification	Trigger event	Time allowed

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Schedule 3 Fees and other required payments

Sch 3.1 G

The *rules* in FEES 6 give FSCS (the scheme manager) the power to raise levies on participant *firms* in order to meet its expenses. The *rules* in FEES 6 do not specify the amount of any levy but do specify how a participant *firm's* share of a levy is to be calculated and any limit on the amount leviable by the FSCS is a particular period.

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Schedule 4 Powers Exercised

Sch 4.1 G
[deleted]

Sch 4.2 G
[deleted]

Sch 4.3 G
[deleted]

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Schedule 5 Rights of action for damages

Sch 5.1 G

1. The table below sets out the rules in *COMP*, contravention of which by an *authorised person* may be actionable under section 138D of the *Act* (Actions for damages) by a *person* who suffers loss as a result of the contravention.
2. If a "yes" appears in the column headed "For private person?", the *rule* may be actionable by a "*private person*" under Section 138D unless a "yes" appears in the column headed "Removed". A "yes" in the column headed "Removed" indicates that the *FCA* has removed the right of action under Section 138D(3) of the *Act*. If so, a reference to the *rule* in which it is removed is also given.
3. In accordance with the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001 (SI 2001/2256) a "private person" is:
 - i any individual, except when acting in the course of carrying on a *regulated activity*; and
 - ii any *person* who is not an individual, except when acting in the course of carrying on business of any kind;
 but does not include a government, local authority or an international organisation.
4. The column headed "For other person?" indicates whether the rule is actionable by a *person* other than a *private person*, in accordance with those Regulations. If so, an indication of the type of person by whom the rule is actionable is given.
5. The vast majority of rules in *COMP* are rules to which the *FSCS* is subject. No right of action arises under section 138D for breach of these rules, as the *FSCS* is not an *authorised person*.

Sch 5.2 G

Chapter/Appendix		Section/ Annex	Paragraph	For private person?	Removed	For other person?
COMP 1		5	8	No	Yes - COMP 1.5.12R	No
COMP 14.4.6R				Yes	No	No

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Schedule 6 Rules that can be waived

Sch 6.1 G [deleted]

Sch 6.1A G

As a result of section 138A of the *Act* (Modification or waiver of rules) the *FCA* has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules), section 248 (Scheme particular rules), section 261I (Contractual scheme rules) or section 261J (Contractual scheme particulars rules) of the *Act*. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the *FCA* to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives.

