

ADR DIRECTIVE SUPPLEMENTARY INSTRUMENT 2015

Powers exercised by the Financial Ombudsman Service Limited

- A. The Financial Ombudsman Service Limited makes and amends:
- (i) rules relating to the complaint handling procedures of the Financial Ombudsman Service; and
 - (ii) the standard terms for Voluntary Jurisdiction participants;
- as set out in Annex A and B 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 14 (The scheme’s operator’s rules) of Schedule 17;
 - (3) paragraph 18 (Terms of reference to the scheme) of Schedule 17; and
 - (4) paragraph 22 (Consultation) of Schedule 17.
- B. The making (and amendment) of rules and standard terms in Annexes A and B by the Financial Ombudsman Service Limited is subject to the consent and approval of the Financial Conduct Authority.

Commencement

- C. This instrument comes into force on 9 July 2015.

Amendments to the FCA Handbook

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

Citation

- F. This instrument may be cited as the ADR Directive Supplementary Instrument 2015.

By order of the Board of the Financial Ombudsman Service
3 June 2015

Consented to, and approved by, the Board of the Financial Conduct Authority
2 July 2015

Annex A

Amendments to the Glossary of definitions

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

- chargeable case* any complaint referred to the Financial Ombudsman Service, except where:
- ...
- (c) the *Ombudsman* considers it apparent from the *complaint* when it is received, and from any *redress determination* which has been issued by the *respondent*, that the *respondent* has reviewed the subject matter of the *complaint* and issued a *redress determination* in accordance with the terms of a *consumer redress scheme*, unless the complainant and the respondent agree that the *complaint* should not be dealt with by the Ombudsman in accordance with the *consumer redress scheme*.

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 stated.

3.2 Jurisdiction

...

- 3.2.2 R Unless the *respondent* has already had eight weeks to consider the *complaint* or issued a *final response*, the *Ombudsman* will refer the *complaint* to the *respondent* (except where *DISP* 2.8.1R(4) applies).
- 3.2.2A R If the subject matter of a *complaint* falls to be dealt with by the *respondent* under a *consumer redress scheme*, and the time limits specified under the scheme for doing so have not yet expired, the *Ombudsman* will refer it to the *respondent* to be dealt with under the scheme (except where *DISP* 2.8.1R(4) applies).