

DISPUTE RESOLUTION: COMPLAINTS SOURCEBOOK (MOTOR FINANCE DISCRETIONARY COMMISSION ARRANGEMENT COMPLAINTS) (AMENDMENT) INSTRUMENT 2024

Powers exercised

- A. The Financial Conduct Authority (“the FCA”) makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 137A (The FCA’s general rules);
 - (2) section 137T (General supplementary powers);
 - (3) section 138D (Actions for damages);
 - (4) section 139A (Power of the FCA to give guidance);
 - (5) section 226 (Compulsory jurisdiction); and
 - (6) paragraph 13 (FCA’s rules) of Schedule 17 (The Ombudsman Scheme).
- B. The rule-making provisions listed above are specified for the purposes of section 138G(2) (Rule-making instruments) of the Act.

Commencement

- C. This instrument comes into force on 26 September 2024.

Amendments to the Handbook

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

Citation

- F. This instrument may be cited as the Dispute Resolution: Complaints Sourcebook (Motor Finance Discretionary Commission Arrangement Complaints) (Amendment) Instrument 2024.

By order of the Board
18 September 2024

Annex

Amendments to the Dispute Resolution: Complaints sourcebook (DISP)

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

App 5 Relevant motor finance discretionary commission arrangement complaint handling rules

App 5.1 Purpose, interpretation and application

...

Interpretation

App 5.1.2 R (1) For the purposes of this appendix, a relevant motor finance DCA complaint is a *complaint* where:

...

(d) the *respondent*:

(i) received the *complaint* in the period beginning with 17 November 2023 and ending with ~~25 September 2024~~ 4 December 2025; or

(ii) sent a *final response* to the *complaint* in the period beginning with 12 July 2023 and ending with ~~20 November 2024~~ 29 January 2026.

...

...

App 5.2 Complaint handling rules in respect of a relevant motor finance DCA complaint

Time limits for a final response, consideration by the Ombudsman and complaints records

App 5.2.1 R (1) This *rule* applies in respect of a *relevant motor finance DCA complaint*:

(a) that is received in the period beginning with 17 November 2023 and ending with ~~25 September 2024~~ 4 December 2025; and

(b) in relation to which a *final response* has not been sent.

(2) For the purpose of calculating the eight-week period in:

- (a) *DISP* 1.6.2R;
- (b) *DISP* 1.6.7G;
- (c) *DISP* 2.8.1R(2); and
- (d) *DISP* 2.8.1R(4)(a),

time is to be treated as not running for the period of ~~thirty-seven weeks~~ beginning with 11 January 2024 and ending with ~~25 September 2024~~ 4 December 2025.

(3) The three-year period in *DISP* 1.9.1R(2) (Complaints record rule) is to be treated as not running for the period beginning with 11 January 2024 and ending with ~~25 September 2024~~ 4 December 2025.

5.2.1A G *DISP* App 5.2.1R(2) has the effect of extending the period during which the eight weeks referenced in the specified provisions are not treated as running for relevant motor finance DCA complaints received between 17 November 2023 and 4 December 2025. For relevant complaints that were received between 17 November 2023 and 25 September 2024, the time period had previously been modified (see [Dispute Resolution: Complaints Sourcebook \(Motor Finance Discretionary Commission Arrangement Complaints\) Instrument 2024 \(FCA 2024/1\)](#)).

Time limits for referring a complaint to the Ombudsman

App 5.2.2 R (1) ~~Where~~ This rule applies where a final response to a relevant motor finance DCA complaint is sent in the period beginning with 12 July 2023 and ending with 20 November 2024, the six-month period in *DISP* 2.8.2R(1) is extended to fifteen months 29 January 2026.

(2) If a final response is sent in the period beginning with 12 July 2023 and ending with 29 April 2025, *DISP* 2.8.2R(1) is modified so that the Ombudsman cannot consider a complaint if it is referred to the Financial Ombudsman Service on or after 30 July 2026.

(3) If a final response is sent in the period beginning with 30 April 2025 and ending with 29 January 2026, *DISP* 2.8.2R(1) is modified so that the Ombudsman cannot consider a complaint if it is referred to the Financial Ombudsman Service more than fifteen months after the date on which the respondent sent the complainant its final response.

App 5.2.2A G *DISP* App 5.2.2R has the effect of extending the time in which a relevant motor finance DCA complaint can be referred to the Financial Ombudsman Service. This includes those complaints in relation to which a final response

was sent between 12 July 2023 and 25 September 2024 where the *six-month period* in *DISP 2.8.2R(1)* was previously extended to *fifteen months* (see [Dispute Resolution: Complaints Sourcebook \(Motor Finance Discretionary Commission Arrangement Complaints\) Instrument 2024 \(FCA 2024/1\)](#)).

- App 5.2.3 R (1) This rule applies in respect of a *relevant motor finance DCA complaint* where a *final response* is sent in the period beginning with 11 January 2024 and ending with 20 November 2024.
- (2) For the purpose of complying with *DISP 1.6.2R(1)(f)*, the appropriate wording to include in a *final response*, as set out in *DISP 1 Annex 3R(1), (2) and (3)*, is modified so that the references to ‘six months’ in these *rules* are substituted with ‘fifteen months’. ~~[deleted]~~

Communicating with consumers

- App 5.2.4 R (1) A *respondent* must update any information it has published pursuant to *DISP 1.2.1R(1)* as soon as is practicable to:
- (a) inform consumers of the pause to time limits for a *final response* as set out in *DISP App 5.2.1R(2)*; and
- (b) refer them to ~~fea.org.uk/car-finance-complaints~~ [fca.org.uk/carfinance](https://www.fca.org.uk/carfinance), which explains the reason for the pause.
- (2) This rule *rule* applies until ~~21 November 2024 23:59~~ on 29 January 2026.

Communicating with complainants

- App 5.2.5 R In relation to a *relevant motor finance DCA complaint* received in the period beginning with 11 January 2024 and ending with 25 September 2024:
- (1) ~~*DISP 1.6.1R* applies as modified by this rule.~~
- (2) Where a *respondent* has:
- (a) ~~on or before 10 January 2024 sent a written acknowledgement in accordance with *DISP 1.6.1R(1)* but has not sent a *final response* in accordance with *DISP 1.6.2R(1)*, the *respondent* must:~~
- (i) ~~promptly inform the complainant in writing of the pause to the time limits as set out in *DISP App 5.2.1R(2)*; and~~
- (ii) ~~comply with (3);~~
- (b) ~~not, on or before 10 January 2024, sent a complainant a written~~

acknowledgement in accordance with *DISP* 1.6.1R(1), and has not sent a *final response* in accordance with *DISP* 1.6.2R(1), the *respondent* must:

- (i) explain the pause to time limits set out in *DISP* App 5.2.1R(2) when complying with *DISP* 1.6.1R(1); and
- (ii) comply with (3).

(3) ~~A *respondent* must direct the complainant to the information published at fca.org.uk/car-finance-complaints, which explains the reason for the pause. [deleted]~~

App
5.2.5A

- R (1) This rule applies where a *respondent*:
- (a) received a *relevant motor finance DCA complaint* in the period beginning with 17 November 2023 and ending with 25 September 2024; and
 - (b) has not sent a *final response* in relation to that *complaint*.
- (2) A *respondent* must:
- (a) promptly inform the complainant in writing of the extension to the pause to time limits as set out in *DISP* App 5.2.1R(2); and
 - (b) direct the complainant to the information published at fca.org.uk/carfinance, which explains the reason for the pause.

App
5.2.5B

- G *DISP* App 5.2.5AR means that a *respondent* who sent a written acknowledgment to a *relevant motor finance DCA complaint* in the period beginning with 17 November 2023 and ending with 25 September 2024 should update the complainant that the pause to the eight-week period to send a *final response* now ends with 4 December 2025.

App
5.2.5C

- R (1) This rule applies where a *respondent* receives a *relevant motor finance DCA complaint* in the period beginning with 26 September 2024 and ending with 4 December 2025.
- (2) When a *respondent* sends a written acknowledgement in accordance with *DISP* 1.6.1R(1), they must also:
- (a) inform the complainant in writing of the pause to the time limits as set out in *DISP* App 5.2.1R(2); and
 - (b) direct the complainant to the information published at fca.org.uk/carfinance, which explains the reason for the pause.

Communicating the Financial Ombudsman Service temporary time limits

- App 5.2.6 R (1) ~~This rule applies to a relevant motor finance DCA complaint where a final response is sent in the period beginning with 12 July 2023 and ending with 20 November 2024.~~
- (2) ~~Where, in accordance with DISP 1.6.2R(1), a respondent has on or before 10 January 2024 sent a complainant a final response, the respondent must promptly in writing inform the complainant that:~~
- (a) ~~the time limit to refer the complaint to the Financial Ombudsman Service has been extended to fifteen months beginning with the day on which the respondent sent its final response;~~
- (b) ~~the six-month time limit contained in the Financial Ombudsman Service's standard explanatory leaflet does not apply; and~~
- (c) ~~the information at fca.org.uk/car-finance-complaints explains the reason for the extension.~~
- (3) ~~Where a respondent has not on or before 10 January 2024 sent a complainant its final response, it must, when complying with DISP 1.6.2R(1):~~
- (a) ~~explain that the time limit to refer the complaint to the Financial Ombudsman Service is fifteen months beginning with the day on which the respondent sent its final response; and~~
- (b) ~~provide the information contained in (2)(b) and (c). [deleted]~~
- App 5.2.7 R (1) This rule applies to a relevant motor finance DCA complaint where a final response was sent in the period beginning with 12 July 2023 and ending with 25 September 2024.
- (2) A respondent must:
- (a) promptly inform the complainant in writing that the time limit to refer the complaint to the Financial Ombudsman Service now ends with 29 July 2026; and
- (b) direct the complainant to the information published at fca.org.uk/carfinance, which explains the reason for the extension.
- App 5.2.8 G DISP App 5.2.7R means that a respondent who sent a final response to a complainant in the period beginning with 12 July 2023 and ending with 25 September 2024 should update that complainant that the time limit to refer

the complaint to the Financial Ombudsman Service pursuant to DISP 2.8.2R(1) has been extended to 29 July 2026.

App
5.2.9

- R (1) This rule applies to a relevant motor finance DCA complaint where a final response is sent in the period beginning with 26 September 2024 and ending with 29 January 2026.
- (2) When providing a final response in accordance with DISP 1.6.2R(1), a respondent must:
- (a) inform the complainant that the time limit to refer the complaint to the Financial Ombudsman Service has been extended in accordance with DISP App 5.2.2R;
 - (b) set out the date by which the complainant must refer the complaint to the Financial Ombudsman Service;
 - (c) explain that the six-month time limit contained in the Financial Ombudsman Service's standard explanatory leaflet does not apply; and
 - (d) direct the complainant to the information published at [fca.org.uk/carfinance](https://www.fca.org.uk/carfinance), which explains the reason for the extension.
- (3) For the purpose of complying with DISP 1.6.2R(1)(e) and (f) (if applicable), the wording to include in a final response is modified so that:
- (a) references to 'within six months of the date of this letter' in DISP 1 Annex 3R(1) and (2), are substituted with either:
 - (i) 'on or before 29 July 2026' if a respondent sends a final response on or before 29 April 2025; or
 - (ii) 'within fifteen months of the date of this letter' if a respondent sends a final response on or after 30 April 2025; and
 - (b) the reference to 'is usually six months' in DISP 1 Annex 3R(3) is substituted with either:
 - (i) 'is, in this case, on or before 29 July 2026' if a respondent sends a final response on or before 29 April 2025; or
 - (ii) 'is, in this case, fifteen months' if a respondent sends a final response on or after 30 April 2025.

App 5.3 General record retention

App
5.3.1

R (1) *Lenders and credit brokers* must retain and preserve records:

...

(2) The requirement in (1) applies:

(a) regardless of whether a *relevant motor finance DCA complaint* has been made; and

(b) in the period beginning with 11 January 2024 and ending with ~~10 January 2025~~ 11 April 2026.

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