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STATUTORY INSTRUMENTS

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**2001 No. 2326**

The Financial Services and Markets Act  
2000 (Transitional Provisions) (Ombudsman  
Scheme and Complaints Scheme) Order 2001

*The Ombudsman Scheme*

**Partly completed complaints under former schemes**

2.—(1) Subject to the provisions of this Order, a complaint which—

- (a) was referred to a former scheme (other than the PIAS) at any time before commencement, by a person who was at that time entitled, under the terms of the former scheme, to refer such a complaint (whether described in that scheme as the making of a complaint, the referral of a dispute, the submission of a claim, or otherwise), and
- (b) was not determined before commencement,

is, after commencement, to be dealt with under the new scheme (and not the former scheme).

(2) For the purposes of paragraph (1)(b), a complaint is to be treated as determined before commencement where it had, before commencement, been rejected, withdrawn, settled or determined by the former ombudsman (whether by a substantive decision, or by closure of the case without a substantive decision).

(3) But a complaint is not to be treated as determined before commencement if, pursuant to the terms of the former scheme, the determination was at commencement subject to (or capable of being subject to) an appeal, a reference to arbitration or other like procedure.

(4) Paragraph (1) applies notwithstanding that the conditions in section 226(2) are not met.

(5) A complaint falling within paragraph (1) is referred to in this Order as a “relevant existing complaint”.