
STATUTORY INSTRUMENTS

2002 No. 1555

**The Financial Services and Markets Act 2000
(Consequential Amendments) Order 2002**

NORTHERN IRELAND STATUTORY RULES

The Reserve and Auxiliary Forces (Protection of Industrial Assurance etc. Policies) Regulations (Northern Ireland) 1953 (S.R.&O. (N.I.) 1953 No. 43)

Reserve and auxiliary forces: protection of industrial assurance policies and policies with friendly societies

61.—(1) The Reserve and Auxiliary Forces (Protection of Industrial Assurance etc. Policies) Regulations (Northern Ireland) 1953 are amended as follows.

(2) In paragraph (2) of regulation 1—

- (a) omit the definition of “the Commissioner”; and
- (b) before the definition of “owner” insert—

““ombudsman” means a person who—

- (a) is a member of the panel established under paragraph 4 of Schedule 17 to the Financial Services and Markets Act 2000 to act as ombudsmen for the purposes of the ombudsmen scheme, and
- (b) has considered or determined an application made under the ombudsman scheme under Part VI of the Act;

“ombudsman scheme” has the same meaning as in the Financial Services and Markets Act 2000;”.

(3) After paragraph (3) of regulation 2 insert—

“(4) In relation to a notice before forfeiture served under Article 29 of the Industrial Assurance (Northern Ireland) Order 1979 after the 30th November 2001, references in these Regulations to Article 29 of the Industrial Assurance (Northern Ireland) Order 1979 are references to that Article as it has effect (notwithstanding the revocation of the 1979 Order) by virtue of the Financial Services and Markets Act 2000 (Consequential Amendments and Savings) (Industrial Assurance) Order 1979.”.

(4) In paragraphs (1) and (2) of regulation 3 for “the Commissioner” substitute “the ombudsman scheme”.

(5) In regulation 6—

- (a) for “An appeal to the Commissioner” substitute “A complaint under the ombudsman scheme”;
- (b) for “addressed to him at 64 Chichester Street, Belfast,” substitute “sent to the Financial Ombudsman Service at South Quay Plaza, 183 Marsh Wall, London E14 9SR,”; and
- (c) for “the appeal is made” substitute “the complaint is made”.

(6) In regulation 7—

- (a) for “on appeal being duly made” substitute “on a complaint being duly made”;
 - (b) for “the Commissioner” substitute “the ombudsman”;
 - (c) for “he may make an order requiring” substitute “he make direct”; and
 - (d) for “the appellant” substitute “the complainant”.
- (7) In regulation 8—
- (a) in paragraph (1)(a) for “a right to appeal to the Commissioner” substitute “a right to make a complaint under the ombudsman scheme”;
 - (b) in paragraph (1)(b) for “appeal” substitute “complaint”; and
 - (c) for paragraph (2), substitute—

“(2) For the purpose of the preceding paragraph an application or complaint shall be deemed to be pending where the application or complaint has been duly made and the applicant or complainant has not been notified in the form provided for by the Regulations of the decision of the company or society, or notified of the determination of the ombudsman.”.
- (8) In regulation 9—
- (a) for the words from the beginning of the regulation to the end of paragraph (ii), substitute—

“Where, in relation to any policy of assurance to which section 54 of the Act applies, the time for making an application to the company or society or for making a complaint under the ombudsman scheme has expired, the owner of the policy, or anyone on his behalf, may refer a complaint under the ombudsman scheme, and if it appears to the ombudsman that—

 - (a) there were good reasons for the failure to make the application to the company or society or to make the complaint under the ombudsman scheme within the required time and there has been no undue delay in referring a complaint under this regulation; and
 - (b) if an application or a complaint had been made with the said time it would have been granted or determined in favour of the complainant,”;
 - (b) for “he may make an order requiring” substitute “he may direct”;
 - (c) for “appeal” substitute “complaint”; and
 - (d) for “allowed” substitute “determined in favour of the complainant”.
- (9) In the Schedule to the Regulations, in Form A, B, C, D and E—
- (a) for “the Industrial Assurance Commissioner for Northern Ireland at 64 Chichester Street, Belfast” substitute “the Financial Ombudsman Service at South Quay Plaza, 183 Marsh Wall, London E14 9SR”; and
 - (b) for “the Commissioner” substitute “the ombudsman scheme”.