
STATUTORY INSTRUMENTS

2001 No. 2326

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

Investigation of complaints against the Authority etc.

Transitional complaints against the Authority etc.

- 18.**—(1) The Authority may, if it considers it appropriate—
- (a) make arrangements (“the transitional complaints scheme”) for the investigation of complaints—
 - (i) arising in connection with the exercise before commencement of any functions conferred on the Authority by or under any enactment, or the failure to exercise any such functions before commencement; or
 - (ii) against any recognised self-regulating organisation (within the meaning of the Financial Services Act 1986) in respect of any act or omission occurring before commencement; and
 - (b) appoint one or more independent persons (“transitional investigators”) to be responsible for the conduct of investigations in accordance with the transitional complaints scheme.
- (2) If the Authority exercises the power in paragraph (1)—
- (a) sub-paragraphs (2) to (14) of paragraph 7 of Schedule 1 (arrangements for the investigation of complaints) apply—
 - (i) in relation to the transitional complaints scheme as they apply in relation to the complaints scheme mentioned in paragraph 7(1)(a) of Schedule 1; and
 - (ii) in relation to a transitional investigator as they apply in relation to the investigator mentioned in paragraph 7(1)(b) of that Schedule;
 - (b) the Authority may provide in the transitional complaints scheme for such provisions of paragraph 8 of that Schedule as it considers appropriate to apply in relation to that scheme;
 - (c) the investigator mentioned in paragraph 7(1)(b) of that Schedule may be (but need not be) appointed also as a transitional investigator; and
 - (d) the reference, in Part 1 of Schedule 1 to the Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001(1), to the investigator appointed by the Authority in accordance with paragraph 7 of Schedule 1 to the Act includes a person appointed as a transitional investigator in accordance with this article.
- (3) The reference in paragraph 7(1)(a) of Schedule 1 to functions of the Authority does not include the functions conferred by this article.

Anticipatory consultation on transitional complaints scheme

- (a) (a) before 19th July 2001, any steps were taken in relation to a draft of the transitional complaints scheme referred to in article 18, and
- (b) those steps, had they been taken after that day, would to any extent have satisfied the requirements of sub-paragraphs (5) to (7) of paragraph 7 of Schedule 1 (as applied by article 18(2)(a)),

those requirements are to that extent to be taken to have been satisfied.

Exemption from liability for damages

20. Neither a transitional investigator nor a person appointed to conduct an investigation on his behalf under a provision of a transitional complaints scheme is to be liable in damages for anything done or omitted in the discharge, or purported discharge, of his functions in relation to the investigation of a complaint.