

**COMPLAINTS AGAINST THE FSA SCHEME
(AMENDMENT NO 5) INSTRUMENT 2008**

Powers exercised

- A. The Financial Services Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000:
- (1) section 157(1) (Guidance); and
 - (2) paragraph 7 (Arrangements for the investigation of complaints) of Schedule 1 (The Financial Services Authority).

Commencement

- B. This instrument comes into force on 6 June 2008.

Amendments to the Handbook

- C. The Complaints against the FSA sourcebook (COAF) is amended in accordance with the Annex to this instrument.

Citation

- D. This instrument may be cited as the Complaints against the FSA Scheme (Amendment No 5) Instrument 2008.

By order of the Board
22 May 2008

Annex

Amendments to the Complaints against the FSA sourcebook (COAF)

In this Annex, underlining indicates new text.

- 1.2.2 G (1) The *complaints scheme* applies in relation to complaints made about the way in which the *FSA* has carried out, or failed to carry out, its functions under the *Act*.
- (2) For the avoidance of doubt, this also includes functions conferred on the *FSA* under certain other pieces of legislation, including those which are regarded as being functions under the *Act*, and hence subject to the *complaints scheme*. Where a function under another piece of legislation is subject to the *complaints scheme*, the relevant piece of legislation will usually specify this by providing that the function is to be regarded for the purposes of Schedule 1 to the *Act* (which contains the *complaints scheme* provisions) as conferred on the *FSA* under the *Act*.
- (3) The *FSA* is also applying the main elements of the *complaints scheme* in respect of complaints against the *FSA* arising in connection with the exercise of its functions under previous legislation and in respect of complaints made against *PIA*, *IMRO* and *SFA*. Those arrangements are set out in the *transitional complaints scheme*.