

**FEES MANUAL (FINANCIAL OMBUDSMAN SERVICE CASE FEES 2012/2013)
INSTRUMENT 2012**

Powers exercised

- A. The Financial Ombudsman Service Limited amends the Financial Services Authority's Fees manual (FEES), in the exercise of the following powers in the Financial Services and Markets Act 2000:
- (1) Schedule 17 paragraph 15 (Fees);
 - (2) Schedule 17 paragraph 16C (Fees); and
 - (3) Schedule 17 paragraph 18 (Terms of reference to the scheme).

Approval

- B. The amendments have not yet been approved by the Financial Services Authority. They are therefore made subject to the approval of the Financial Services Authority.

Commencement

- C. This instrument comes into force on 1 April 2012 subject to the approval of the Financial Services Authority having been received before that time.

Amendment of the Fees manual

- D. The Fees manual (FEES) is amended in accordance with the Annex to this instrument.

Citation

- E. This instrument may be cited as the Fees Manual (Financial Ombudsman Service Case Fees 2012/13) Instrument 2012.

By order of the Board of the Financial Ombudsman Service Limited
22 March 2012

Annex

Amendments to the Fees manual (FEES)

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

5.5A.6 R *A firm or licensee must pay to the FOS Ltd the standard case fee specified in FEES 5 Annex 3R, Part 1 in respect of each chargeable case relating to that firm or licensee which is closed by the Financial Ombudsman Service, unless a special case fee is payable or has been paid in respect of that case under FEES 5.5A.13R to FEES 5.5A.22R.*

...

5.5A.8 G The standard case fee, which will be subject to consultation each year, will be calculated by dividing the *annual budget* for the *Compulsory Jurisdiction*, less the amount to be raised by the *general levy* and the supplementary case fee, by the estimated number of *chargeable cases* which the *Financial Ombudsman Service* expects to close in the relevant *financial year*.

5.5A.9 G For the purposes of the *Consumer Credit Jurisdiction*, the standard case fee, which will be subject to consultation each year, will be calculated by dividing the *annual budget* for the *Consumer Credit Jurisdiction*, less the amount to be raised by the sum to be determined by the *FOS Ltd* under section 234A (Funding by consumer credit licensees etc) of the *Act* and the supplementary case fee, by the estimated number of *chargeable cases* which the *Financial Ombudsman Service* expects to close in the relevant *financial year*.

...

Supplementary case fee

5.5A.23A R *A firm or licensee must pay to the FOS Ltd the supplementary case fee specified in FEES 5 Annex 3R, Part 2 in respect of each chargeable case relating to that firm or licensee which:*

- (1) *is referred to the Financial Ombudsman Service; and*
- (2) *in the Ombudsman's opinion, falls wholly or partly within the scope of DISP App 3 (Handling Payment Protection Insurance Complaints);*

as well as any standard case fee under FEES 5.5A.6R or any special case fee under FEES 5.5A.13R to FEES 5.5A.22R.

5.5A.23B R *FEES 5.5A.23AR applies to payment service providers and electronic money issuers in the same way as it applies to firms.*

Case fee ~~exemption~~ exemptions

...

- 5.5A.25A R Notwithstanding the above, a firm, payment service provider, electronic money issuer or licensee will only be liable for, and the FOS Ltd will only invoice for, the supplementary case fee in respect of the 26th and subsequent cases that fall within FEES 5.5A.23AR in any financial year.

...

Payment

- 5.5A.28 R A firm or licensee must pay to the FOS Ltd any standard case fee, ~~or~~ special case fee or supplementary case fee which it is liable to pay under *FEES 5.5A.6R, FEES 5.5A.13R, FEES 5.5A.15R, FEES 5.5A.18R, FEES 5.5A.20R, ~~or~~ FEES 5.5A.22R or FEES 5.5A.23AR*, as appropriate, in respect of *chargeable cases* for which it is invoiced by the FOS Ltd within 30 calendar days of the date when the invoice is issued by the FOS Ltd.

...

- 5.5A.30 R A firm or unauthorised person which is subject to the *Compulsory Jurisdiction* in relation to a *relevant complaint* must pay any standard case fee or special case fee or supplementary case fee within 30 calendar days of the date when the invoice is issued by the FOS Ltd.

...

5 Annex 2R Annual Levy Payable in Relation to the Voluntary Jurisdiction for 2011/12 2012/2013

Voluntary jurisdiction – annual levy for VJ participants			
Industry block and business activity	Tariff basis	Tariff rate	Minimum levy
...			
12V	Persons undertaking the activity which is the issuance of electronic money or would be if carried on from an establishment in the <i>United Kingdom</i>	Number of electronic money accounts multiplied by 0.15 Average outstanding electronic money as described in <u>FEES 4 Annex 11R Part 3</u>	0.0278 <u>£0.15 per</u> <u>£1,000</u>
			£75

FEES 5 Annex 3R is deleted in its entirety and replaced with the following text which is not underlined.

5 Annex 3R Case Fees Payable for 2012/13

Part 1 – Standard case fees

	Standard case fee	Special case fee
In the:		
Compulsory jurisdiction; Consumer credit jurisdiction; and Voluntary jurisdiction	£500	£500

Notes

- 1 The definitions of standard case fee and special case fee are in *FEES 5.5A (Case fees)*. The definition of *chargeable case* is in the Glossary to the *Handbook*.
- 2 The standard case fee or special case fee will be invoiced by the *FOS Ltd* on or after the date the case is closed.
- 3 A *firm, licensee* or *VJ participant* will only be invoiced a case fee for the fourth and subsequent *chargeable case* in each *financial year*.

Part 2 – Supplementary case fees

		Standard case fee	Special case fee
In the:			
Compulsory jurisdiction; Consumer credit jurisdiction; and Voluntary jurisdiction	For the 26 th and subsequent PPI mis-sale cases	£350	£350

Notes

- 1 The definition of supplementary case fee is in *FEES 5.5A (Case fees)*. The definition of *chargeable case* is in the Glossary to the *Handbook*.
- 2 ‘PPI mis-sale cases’ means any case where, in the *Ombudsman’s* opinion, the complaint fell wholly or partly within the scope of *DISP* App 3 (Handling Payment Protection Insurance Complaints).
- 3 The supplementary case fee will be invoiced by the *FOS Ltd* on or after the date the case

is referred to the *Financial Ombudsman Service*.

- 4 The supplementary case fee will be invoiced for the 26th and subsequent PPI mis-sale *chargeable cases* against any *firm, licensee* or *VJ participant* referred to the *Financial Ombudsman Service* in each *financial year*.