

**COMPLAINTS SOURCEBOOK (REMOVAL OF ANNUAL NOTICE FOR  
EXEMPTION) INSTRUMENT 2004**

**Powers exercised**

- A. The Financial Services Authority makes this instrument in the exercise of the following powers and related provisions in or under the Financial Services and Markets Act 2000 (the “Act”):
- (1) section 138 (General rule-making power);
  - (2) section 156 (General supplementary powers); and
  - (3) section 157(1) (Guidance).
- B. The rule making powers listed above are specified for the purposes of section 153(2) of the Act (Rule-making instruments).

**Commencement**

- C. This instrument comes into force on 1 February 2004.

**Amendments to the Dispute resolution: Complaints sourcebook**

- D. The Dispute resolution: Complaints sourcebook is amended in accordance with the Annex to this instrument.

**Citation**

- E. This instrument may be cited as the Complaints Sourcebook (Removal of Annual Notice for Exemption) Instrument 2004.

By Order of the Board  
15 January 2004

## Annex

### Amendments to the Dispute resolution: Complaints sourcebook

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

#### 1.1 Application and Purpose

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#### Exemption

- 1.1.7 R (1) A *firm* which does not conduct business with *eligible complainants* and has no reasonable likelihood of doing so is exempt from *DISP* 1.2 - *DISP* 1.7, if:
- (a) it has notified~~notifies~~ the *FSA* in writing ~~of this fact and that notice remains current, that those conditions apply with effect from the date that notice is received by the *FSA*; and~~
- (b) the conditions in fact continue to apply.
- (2) The exemption takes effect from the date on which the notice was received by the *FSA*.
- (23) In (1), conducting business means carrying on any of the activities to which the rules in *DISP* 2.6 apply with or for *persons* who are *eligible complainants* under *DISP* 2.4.

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- 1.1.8 R [deleted] A notice under *DISP* 1.1.7 R must be given:
- (1) ~~by 28 February 2002, in which case it will remain current until 31 March 2003; or~~
- (2) ~~before, or as soon as practicable after, the time of the *firm's* authorisation by the *FSA*, in which case it will remain current until the end of the *financial year* in which it is given; or~~
- (3) ~~as soon as practicable after the *firm* ceases to conduct business with *eligible complainants*, in which case it will remain current until the end of the *financial year* in which it is given; or~~
- (4) ~~in February of each *financial year* (beginning with February 2003), in which case it will remain current until the end of the next *financial year*.~~

- 1.1.9 G [deleted] A notice under *DISP* 1.1.7 R will be renewable every 12 months.

## End of exemption

- 1.1.10 R      A *firm* which is exempt under *DISP* 1.1.7 R must notify the *FSA* in writing as soon as reasonably practicable if the conditions in *DISP* 1.1.7 R no longer apply.

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## Schedule 2

### Notification Requirements

#### 2 Table

| Handbook reference  | Matter to be Notified               | Contents of notification                                                                                                            | Trigger event                                                                                                                                                                                                                                   | Time allowed                                                         |
|---------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| <i>DISP</i> 1.1.7R  | <i>Firm</i> qualifies for exemption | Confirmation that a <i>firm</i> does not do business with <i>eligible complainants</i> and has no reasonable likelihood of doing so | If the <del><i>firm</i></del> wishes to take advantage of the exemption in <del><i>DISP</i> 1.1.7R</del> an annual renewal is required. See <del><i>DISP</i> 1.1.8R</del> for timing of notice<br><u>Conditions in <i>DISP</i> 1.1.7R apply</u> | N/A                                                                  |
| <i>DISP</i> 1.1.10R | End of exemption                    | Confirmation that the conditions in <i>DISP</i> 1.1.7R no longer apply                                                              | Conditions in <i>DISP</i> 1.1.7R no longer apply                                                                                                                                                                                                | <del>Not specified</del><br><u>As soon as reasonably practicable</u> |