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DRAFT STATUTORY INSTRUMENTS

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**2024 No. \*\*\*\***

**The Financial Services and Markets Act 2000 (Ombudsman Scheme) (Fees) Regulations 2024**

*Made* - - - -

*Coming into force* - -

The Treasury make these Regulations in exercise of the powers conferred by paragraph 15(3) of Schedule 17 to the Financial Services and Markets Act 2000(a) (“the Act”).

In accordance with paragraph 15(6) of Schedule 17 to the Act, the Treasury have consulted the scheme operator(b).

In accordance with section 429(2A) and (2B) of the Act, a draft of these Regulations was laid before Parliament and approved by a resolution of each House of Parliament.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Financial Services and Markets Act 2000 (Ombudsman Scheme) (Fees) Regulations 2024.

(2) These Regulations come into force on [###].

(3) These Regulations extend to England and Wales [and], Scotland [and Northern Ireland].

**Interpretation**

2. In these Regulations —

“the Act” means the Financial Services and Markets Act 2000(c);

“legal professional” means —

- (a) a person who, or licensable body which, is authorised by the Law Society of England and Wales or the General Council of the Bar to carry on a reserved legal activity;

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(a) 2000 c. 8; paragraph 15 of Schedule 17 was amended by the Financial Services and Markets Act 2023 (c. 29), section 63(3) to (5).

(b) The “scheme operator” for the purposes of the Act is the Financial Ombudsman Service Limited, which is the body corporate established by the Financial Services Authority (now the Financial Conduct Authority) under paragraph 2(1) of Schedule 17 to the Act (as originally enacted).

(c) 2000 c. 8

- (b) a European lawyer registered with the Law Society of England and Wales under the European Communities (Lawyer's Practice) Regulations 2000<sup>(a)</sup>, as they have effect by virtue of regulation 6 of the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020<sup>(b)</sup>;
- (c) a foreign lawyer registered with the Law Society of England and Wales under section 89 (foreign lawyers: recognised bodies and partnerships with solicitors) of the Courts and Legal Services Act 1990<sup>(c)</sup>;
- (d) a person authorised by the Chartered Institute of Legal Executives to carry on a reserved legal activity;
- (e) any other member of a legal profession, of a jurisdiction other than England and Wales, that is recognised by the Law Society of England and Wales or the General Council of the Bar as a regulated legal profession;

“licensable body” has the meaning given in section 72 (licensable body) of the Legal Services Act 2007<sup>(d)</sup>;

“Northern Irish legal professional” means [x];

“reserved legal activity” has the meaning given in section 12 (meaning of “reserved legal activity” and “legal activity”) of the Legal Services Act 2007;

“Scottish legal professional” means —

- (a) a person qualified to practice as a solicitor in accordance with section 4 (qualifications for practising as a solicitor) of the Solicitors (Scotland) Act 1980<sup>(e)</sup>;
- (b) an advocate who is a member of the Faculty of Advocates;
- (c) a European lawyer registered with the Law Society of Scotland under the European Communities (Lawyer's Practice) Regulations 2000, as they have effect by virtue of regulation 6 of the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020;
- (d) foreign lawyers registered with the Law Society of Scotland under section 60A (registered foreign lawyers) of the Solicitors (Scotland) Act 1980;
- (e) an incorporated practice within the meaning given by section 34(1A)(c) (rules as to professional practice, conduct and discipline) of the Solicitors (Scotland) Act 1980;
- (f) a licensed legal services provider within the meaning of Part 2 of the Legal Services (Scotland) Act 2010<sup>(f)</sup> (see section 47 (licensed providers) of that Act) that provides, or offers to provide, legal services under a licence issued by the Law Society of Scotland;
- (g) any other member of a legal profession, of a jurisdiction other than Scotland, that is recognised by the Law Society of Scotland or the Faculty of Advocates as a regulated legal profession.

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(a) S.I. 2000/1119  
 (b) S.I. 2020/1342  
 (c) 1990 c. 41  
 (d) 2007 c.29  
 (e) 1980 c. 46  
 (f) 2010 asp 16

### Persons specified for the purposes of paragraph 15 (fees) of Schedule 17 to the Act

3.—(1) The following persons are specified for the purposes of paragraph 15 (fees) of Schedule 17 to the Act —

- (a) an authorised person carrying on an activity specified in Part 3B (claims management activities in Great Britain) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(a) (“RAO”); **or**
- (b) a legal professional or a Scottish legal professional carrying on an activity —
  - (i) specified in Part 3B (claims management activities in Great Britain) of the RAO; and
  - (ii) where the operation of the 89N (claims management activity conducted by legal professionals) of that Order is disregarded; **or**
- (c) [a Northern Irish legal professional carrying out claims management activities].

*Name*  
*Name*  
Two of the Lords Commissioners  
HM Treasury

#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Paragraph 15 of Schedule 17 of the Financial Services and Markets Act 2000 was amended by section 63 of the Financial Services and Markets Act 2023. The amendment allows the Treasury to make regulations to specify persons whom the Financial Ombudsman Service can charge case fees. These Regulations specify that regulated claims management companies and legal professionals carrying out claims management activities in England, Wales, Scotland [and Northern Ireland] may be charged fees.