



STATUTORY INSTRUMENTS.

S.I. No. 576 of 2010.



CENTRAL BANK ACT 1942 (FINANCIAL SERVICES OMBUDSMAN
COUNCIL) LEVIES AND FEES REGULATIONS 2010

(Prn. A10/1793)

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CENTRAL BANK ACT 1942 (FINANCIAL SERVICES OMBUDSMAN
COUNCIL) LEVIES AND FEES REGULATIONS 2010

The Financial Services Ombudsman Council, in exercise of the powers conferred on the Council by Sections 57BE and 57BF of the Central Bank Act 1942 (as inserted by the Central Bank and Financial Services Authority of Ireland Act 2004) and with the consent of the Minister for Finance, hereby makes the following regulations:

1. These Regulations may be cited as the Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2010.

2. The Schedule to S.I. No. 500 of 2009 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2009- is hereby amended by the substitution therefore of the Schedule to these Regulations.

December 2010.

DERMOTT JEWELL,
Chairperson.

Financial Services Ombudsman Council,
Lincoln House,
Lincoln Place
Dublin 2.

Category A
Credit Institutions

Each credit institution shall pay, in respect of its liability for the year ended 31 December 2011, a levy calculated on the basis of 70% of the amount levied in S.I. No. 500 of 2009 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2009. A minimum levy of €420 is payable by each credit institution.

Category B
Insurance Undertakings

- (a) Each life assurance undertaking shall pay, in respect of its liability for the year ended 31 December 2011, a levy calculated on the basis of 70% of the amount levied in S.I. No. 500 of 2009 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2009. A minimum levy of €420 is payable by each life assurance undertaking.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 14th December, 2010.*

- (b) Each non-life insurance undertaking shall pay, in respect of its liability for the year ended 31 December 2011, a levy calculated on the basis of 70% of the amount levied in S.I. No. 500 of 2009 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2009 save that, in respect of that proportion of the undertaking's gross premium income which is derived from health insurance business, the levy shall be calculated in accordance with Category J. A minimum levy of €420 is payable by each non-life insurance undertaking.

Category C
Credit Unions

Each credit union shall pay, in respect of its liability for the year ended 31 December 2011, a levy calculated on the basis of 70% of the amount levied in S.I. No. 500 of 2009 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2009. A minimum levy of €125 is payable by each credit union.

Category D

Intermediaries — Including Investment Product Intermediaries, Insurance Intermediaries and Mortgage Intermediaries who hold authorisations under the Consumer Credit Act 1995.

Each intermediary shall pay, in respect of its liability for the year ended 31 December 2011, a levy calculated on the basis of 70% of the amount levied in S.I. No. 500 of 2009 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2009. A minimum levy of €100 is payable by each intermediary.

Category E

Investment Business Firms (other than Investment Product Intermediaries), Collective Investment Schemes and other service providers, and Exchanges—

Including designated fund managers; entities engaged in the receipt and transmission of orders and/or the provision of investment advice; entities engaged in portfolio management and the execution of orders; entities engaged in own account trading and underwriting; Stock Exchange member firms; authorised unit trusts, authorised investment companies, and authorised investment limited partnerships; agency fund managers; service providers (manager/administrator and/or trustee) to collective investment schemes; approved stock exchanges; and financial futures and options exchanges.

Each of these financial service providers shall pay, in respect of its liability for the year ended 31 December 2011, a levy calculated on the basis of 70% of the amount levied in S.I. No. 500 of 2009 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2009. A minimum levy of €525 is payable by each provider.

Category F
Approved Moneylenders

Each approved moneylender shall pay, in respect of its liability for the year ended 31 December 2011, a levy calculated on the basis of 70% of the amount levied in S.I. No. 500 of 2009 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2009. A minimum levy of €100 is payable by each moneylender.

Category G
Approved Professional Bodies

Each approved professional body shall pay, in respect of its liability for the year ended 31 December 2011, a levy calculated on the basis of 70% of the amount levied in S.I. No. 500 of 2009 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2009. A minimum levy of €240 is payable by each body.

Category H
Bureaux de Change

Each bureau de change shall pay, in respect of its liability for the year ended 31 December 2011, a levy of €210.

Category I
Money Transmission Service Providers and E-Money Providers

Each provider shall pay, in respect of its liability for the year ended 31 December 2011, a levy of €210.

Category J
Health Insurance Providers

Each Health Insurance Provider (including non-life insurance undertakings providing health insurance) shall pay, in respect of its liability for the year ended 31 December 2011, a levy calculated on the basis of a levy of 0.0170% of its total gross premium income derived from health insurance business for the year ended 2009 as stated in the Central Bank Insurance Statistical Review 2009. A minimum levy of €420 is payable by each health insurance provider.

Category K
Pawnbrokers

Each authorised pawnbroker shall pay, in respect of its liability for the year ended 31 December 2011, a levy of €100.

Category L
Home Reversion Firms/Retail Credit Firms

Each authorised home reversion firm/retail credit firm shall pay, in respect of its liability for the year ended 31 December 2011, a levy of €250.

Category M
Other Regulated Financial Service Providers

Each financial service provider as prescribed in Regulation 2(a), (c), (d), (e) and (f) of S.I. No. 191 of 2005 — Central Bank Act 1942 (Financial Services Ombudsman) Regulations 2005- shall pay, in respect of its liability for the year ended 31 December 2011, a levy of €140. Intermediaries already included under Category D and mortgage lenders and hire purchase concerns that also operate as credit institutions are not covered by this category.

Category N
All Other Regulated Entities

Where the Bureau is required to investigate a complaint against any other regulated entity during the year ended 31 December 2011, that entity will be required to pay a levy contribution of €525 per complaint.

Category O
Default Assessments

Each regulated entity falling within Regulation 9(d) shall pay a flat rate levy contribution of €2,500.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations made by the Financial Services Ombudsman Council in accordance with Sections 57BE and 57BF of the Central Bank Act 1942 (as amended) amend the Central Bank Act 1942 — Financial Services Ombudsman Council) — Levies and Fees Regulations 2006 (S.I. No. 556 of 2006) and provide for a scheme of levies on regulated entities to fund the operation of the Financial Services Ombudsman's Bureau for the year ended 31 December 2011.

BAILE ÁTHA CLIATH
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Le ceannach díreach ón
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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
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€2.54

