



STATUTORY INSTRUMENTS.

S.I. No. 500 of 2009

CENTRAL BANK ACT 1942 (FINANCIAL SERVICES OMBUDSMAN
COUNCIL) LEVIES AND FEES REGULATIONS 2009

(Prn. A9/1806)

S.I. No. 500 of 2009

**CENTRAL BANK ACT 1942 (FINANCIAL SERVICES OMBUDSMAN
COUNCIL) LEVIES AND FEES REGULATIONS 2009**

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 2009.
2. The Schedule to S.I. No. 576 of 2008 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2008 — is hereby amended by the substitution therefor of the Schedule to these Regulations.

December 2009.

**Dermott Jewell,
Chairperson.**

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

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 15th December, 2009.*

SCHEDULE

Category A

Credit Institutions

Each credit institution shall pay, in respect of its liability for the year ended 31 December 2010, a levy calculated on the basis of 90% of the amount levied in S.I. No. 576 of 2008 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2008. A minimum levy of €600 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 2010, a levy calculated on the basis of 90% of the amount levied in S.I. No. 576 of 2008 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2008. A minimum levy of €600 is payable by each life assurance undertaking.
- (b) Each non-life insurance undertaking shall pay, in respect of its liability for the year ended 31 December 2010, a levy calculated on the basis of 90% of the amount levied in S.I. No. 576 of 2008 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2008. A minimum levy of €600 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 2010, a levy calculated on the basis of 90% of the amount levied in S.I. No. 576 of 2008 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2008. A minimum levy of €175 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 2010, a levy calculated on the basis of 90% of the amount levied in S.I. No. 576 of 2008 — Central Bank Act 1942 (Financial Services Ombudsman

Council) Levies and Fees Regulations 2008. A minimum levy of €125 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 2010, a levy calculated on the basis of 90% of the amount levied in S.I. No. 576 of 2008 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2008. A minimum levy of €750 is payable by each provider.

Category F

Moneylenders

Each approved moneylender shall pay, in respect of its liability for the year ended 31 December 2010, a levy calculated on the basis of 90% of the amount levied in S.I. No. 576 of 2008 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2008. A minimum levy of €125 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 2010, a levy calculated on the basis of 90% of the amount levied in S.I. No. 576 of 2008 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2008. A minimum levy of €750 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 2010, a levy of €270.

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 2010, a levy of €270.

Category J**Voluntary Health Insurance Board**

The Board shall pay, in respect of its liability for the year ended 31 December 2010 a levy calculated on the basis of 90% of the amount levied in S.I. No. 576 of 2008 — Central Bank Act 1942 (Financial Services Ombudsman Council) Levies and Fees Regulations 2008

Category K**Pawnbrokers**

Each authorised pawnbroker shall pay, in respect of its liability for the year ended 31 December 2010, a levy of €125.

Category L**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 2010, a levy of €200. 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 M**All Other Regulated Entities**

Where the Bureau is required to investigate a complaint against any other regulated entity during the year ended 31 December 2010, that entity will be required to pay a flat rate levy contribution of €700 per complaint.

Category N**Default Assessments**

Each regulated entity falling within Regulation 9(d) shall pay a flat rate levy contribution of €3,600.

7 December 2009.

BRIAN LENIHAN,
Minister for Finance.

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 2010.

BAILE ÁTHA CLIATH
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Le ceannach díreach ón
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