



Financial
Ombudsman
Service

Statement of difference - [Small and Medium Sized Business \(Finance Platforms\) Instrument 2016](#).

The board of the Financial Ombudsman Service makes voluntary jurisdiction rules – subject to the approval of the Financial Conduct Authority. We’re required by the Financial Services and Markets Act 2000 to publish a draft of the proposed rules and consider any comments on the proposed rules before making the final rules. We’re also required to publish a statement on any differences – which we consider significant – between the proposed rules and the final rules made.

The [Small and Medium Sized Business \(Finance Platforms\) Instrument 2016](#), which includes changes to the voluntary jurisdiction rules, relates to the *Small and Medium Sized Business (Finance Platforms) Regulations 2015* (“the regulations”).

We published a draft of the proposed voluntary jurisdiction rule changes in [The 2015 Quarterly Consultation Paper No.9](#). The draft rules reflected the draft regulations provided by HM Treasury prior to consultation. The final ‘made’ regulations included several changes and the final voluntary jurisdiction rules made by our board reflect those changes.

The key differences between the proposed rules and the made rules are set out below (where underlined text is the addition of new text):

- finance application* (in accordance with regulation 2 of the *Small and Medium Sized Business (Finance Platforms) Regulations*) a request in any form for a *finance facility*, whether such request is made for a new facility or for the renewal or extension of an existing facility, where:
- (a) the request is supported by sufficient information to enable the recipient to make an informed decision as to whether to provide the requested *finance facility*; or
 - (b) the recipient has responded by requesting further specific information to enable it to make an informed decision as to whether to provide the requested *finance facility*.
- finance facility* (in accordance with regulation 2 of the *Small and Medium Sized Business (Finance Platforms) Regulations*) a facility which provides access to finance which is denominated in sterling and is a loan agreement, an overdraft agreement, a credit card account, an invoice discounting or factoring agreement, a hire purchase agreement or a finance leasing

agreement.

*specified
information*

(in accordance with regulation 2 of, and the Schedule to, the *Small and Medium Sized Business (Finance Platforms) Regulations*):

...

- (c) the amount of finance requested by the business (other than in relation to a request for a credit card account, unless the business has requested a credit card account with a specified limit);