

Consumer Protection Code

*A
Consumer
Guide*



Banc Ceannais na hÉireann
Central Bank of Ireland

Eurosystem

What is the Consumer Protection Code?

The Consumer Protection Code ('the Code') is a set of principles and rules that financial services firms must follow when they:

- › Provide financial products and services to you
- › Give you financial information and advice
- › Advertise financial products or services
- › Handle your complaints.

The Central Bank developed the Code to protect you as a consumer of financial services and products. We regularly monitor the firms we regulate to make sure they follow the Code.

What firms does the Code apply to?

In general, financial services firms in Ireland are regulated by the Central Bank. Our Code applies to most of these regulated firms, including:

- › Banks
- › Building societies
- › Insurance companies
- › Credit unions (for insurance products and services only)
- › Insurance, investment and mortgage intermediaries (brokers and agents)
- › Investment firms and stockbrokers providing services such as insurance policies, long term deposits, Personal Retirement Savings Accounts (PRSAs) and tracker bonds.

The Code may also apply to certain firms that provide financial services in Ireland but have their head office in another country in the European Union (EU), as long as they are authorised by the financial services regulator in that country.

If you want to check if a firm is regulated by us, you can check the register at www.registers.financialregulator.ie.

What is not covered by the Code?

The Code does not cover the following firms or services:

- › Savings and loan products provided by Credit Unions
- › Stockbroking and other investment services (these are covered by European-wide rules contained in the Markets in Financial Instruments Directive (MiFID))
- › Moneylenders (these are covered by Consumer Credit Law and the Consumer Protection Code for Licensed Moneylenders)
- › Bureau de change (a service that allows you to buy and sell foreign currency)
- › Hire purchase and consumer hire agreements (these are covered by Consumer Credit Law).

How does the Code protect me?

The Code contains a number of General Principles which apply to all firms we regulate.

Firms we regulate must:

- › Act honestly, fairly and professionally
- › Act in your best interests when providing products or services to you
- › Give you the information you need to make an informed decision
- › Correct errors and handle any complaints you have speedily, efficiently and fairly.

Firms must not:

- › Mislead you about the advantages and disadvantages of any product or service
- › Use too much influence on you or put you under too much pressure to buy a product or service
- › Prevent you from getting access to basic financial services, for example, a bank account, due to their policies, procedures or working practices.

The Code also contains many specific rules that apply when regulated firms advertise and sell financial products and services. For example:

Firms must:

- Give you information to help you understand a product before you buy it, including the main features, any restrictions, and the terms and conditions that apply
- Make sure that any information they provide to you is clear, accurate, up to date and written in plain English
- Find out enough information about you to understand your needs before they can offer, recommend or provide a product or service to you
- Make sure the product or service they recommend or offer is suitable for you and explain to you, in writing, why it is suitable
- Before giving you a loan or mortgage, carry out tests to check whether you can afford the repayments
- When offering you the option to move from a tracker interest rate on your mortgage to another type of interest rate, give you information to help you make your decision
- Give you information about any charges, before providing a product or service to you
- Give you at least 30 days' notice if they plan to increase the charges or introduce any new charges (if the change affects you)
- Make sure their promotional materials and advertisements are clear, fair, accurate and do not mislead you
- If you are in arrears on a loan, credit card or buy-to-let mortgage, try to agree an approach that will help you to deal with your arrears.

Firms must not:

- When they provide a product or service to you, make it a condition that you must buy another separate product or service from them
- Offer you a pre-approved loan or mortgage that you have not asked for
- Increase your credit card limit, unless you ask them to
- Hide key information about a product or service in the small print of an advertisement.

What can I do if a firm doesn't follow the Code?

If you are not satisfied with how a financial services firm is dealing with you, or you believe that they are not following the principles or rules of the Code, you should firstly complain to the firm. Under the Code, firms must have a complaints procedure in place and must handle your complaint speedily, efficiently and fairly. There are also more detailed rules in the Code about how often a firm should contact you to keep you updated on your complaint.

If you are not satisfied with how your complaint is being handled or the response you get to your complaint and want to have it looked at by an independent body, you can contact the Financial Services Ombudsman or Pensions Ombudsman. These are independent, statutory bodies that can investigate your complaint.

You can get more information on making a complaint from:

› **The National Consumer Agency**

Lo call: 1890 432 432

www.nca.ie/nca/financialcomplaints

› **The Financial Services Ombudsman**

Lo Call: 1890 88 20 90

www.financialombudsman.ie

› **The Pensions Ombudsman**

Phone: 01 6471650

www.pensionsombudsman.ie

The Central Bank does not investigate individual complaints, as that is the role of the Financial Services Ombudsman and Pensions Ombudsman. Our role is to monitor firms' ongoing compliance with the Code.

If you are concerned that a firm is breaking the rules of the Code, please inform us. The information you give us can help us to monitor whether firms are treating their customers in a fair, honest and professional way. However, we cannot give you details of the outcome of any investigations we carry out.

How to contact us about the Code

If you have a question about the Code or would like to inform us of your experience of a firm's compliance with the Code, our helpline, 1890 77 77 77, is open Monday to Friday from 09.00 - 18.00. You can also send an email to enquiries@centralbank.ie.

You can download the full version of the Code from www.centralbank.ie/consumerprotectioncode

What are my responsibilities when buying financial products and services?

Be open and honest. Always give full and accurate information when you are filling in application forms and do not give any false details or leave out important information. A financial services firm must offer or recommend a product or service based on the information you give them, so giving incomplete or false information could lead to you being offered or recommended something that is not suitable for you.

Read information carefully. Firms must give you information to help you understand:

- › Their business
- › The product or service that they are offering you
- › Why that product or service is suitable for you
- › The risks attached to the product or service being offered to you.

Ask questions. It is important to ask questions about anything that is not clear or that you are unsure of. You should never buy a product or service that you do not fully understand.

Check the register. Always make sure you are dealing with a firm that is regulated, so that you have some protection if things go wrong, for example, referring your complaint to the financial services ombudsman. You can check if a firm is regulated at www.registers.financialregulator.ie. Compensation schemes are schemes that may be able to give you some financial compensation if the financial services firm you invest through or deposit your money into goes out of business and cannot return your money or investments. These schemes only apply to regulated firms. Check the firm's terms of business (which they must give you) to see if it is part of a compensation scheme. You can get more information on compensation schemes at www.nca.ie/nca/guarantee-schemes.

Other useful information

- Download "Mortgage Arrears – A Consumer Guide to Dealing with your Lender", which explains our rules for dealing with customers in mortgage arrears, from our website www.centralbank.ie/consumer/info
- Get information on budgeting, managing your finances and dealing with debt from www.mabs.ie
- Visit www.nca.ie for information on buying financial products, switching providers and comparing products.



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