



# House of Commons

Monday 12 March 2018

## CONSIDERATION OF BILL (REPORT STAGE)

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*New Amendments handed in are marked thus ★*

☆ *Amendments which will comply with the required notice period at their next appearance*

### FINANCIAL GUIDANCE AND CLAIMS BILL [*LORDS*], AS AMENDED

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#### NOTE

**This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.**

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Secretary Esther McVey

NC3

To move the following Clause—

**“Unsolicited direct marketing: pensions**

- (1) The Secretary of State may make regulations prohibiting unsolicited direct marketing relating to pensions.
- (2) The regulations may—
  - 5 (a) make provision about when a communication is to be, or is not to be, treated as unsolicited;
  - (b) make provision for exceptions to the prohibition;
  - (c) confer functions on the Information Commissioner and on OFCOM (including conferring a discretion);
  - 10 (d) apply (with or without modifications) provisions of the Data Protection Act 1998 or the Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426) (including, in particular, provisions relating to enforcement).
- (3) The regulations may—
  - 15 (a) make different provision for different purposes;
  - (b) make different provision for different areas;

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**Financial Guidance and Claims Bill [Lords], continued**

- (c) make incidental, supplementary, consequential, transitional or saving provision.
- 20 (4) Regulations under this section are to be made by statutory instrument.
- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- 25 (6) If before the end of June in any year the Secretary of State has not made regulations under this section (whether or not in that year), the Secretary of State must—
- (a) publish a statement, by the end of July in that year, explaining why regulations have not been made and setting a timetable for making the regulations, and
- (b) lay the statement before each House of Parliament.
- 30 (7) In this section, “OFCOM” means the Office of Communications established by section 1 of the Office of Communications Act 2002.”

**Member’s explanatory statement**

*This new clause inserts a new power for the Secretary of State to make regulations (subject to the affirmative procedure) banning unsolicited direct marketing relating to pensions. If the power is not exercised by June, the Secretary of State must explain to Parliament why not. This new clause would be inserted after Clause 24.*

As an Amendment to Secretary Esther McVey’s proposed New Clause (*Unsolicited direct marketing: pensions*) (NC3):—

Stephen Lloyd

Line 2, leave out “may” and insert “must”

(a)

Secretary Esther McVey

NC4

To move the following Clause—

**“Unsolicited direct marketing: other consumer financial products etc**

- (1) The Secretary of State must keep under review whether a prohibition on unsolicited direct marketing in relation to consumer financial products and services other than pensions would be appropriate.
- (2) If the Secretary of State considers that such a prohibition would be appropriate, the Secretary of State may make regulations applying regulations made under section (*Unsolicited direct marketing: pensions*) to other consumer financial products and services (with or without modifications).
- (3) In considering whether to make such regulations, the Secretary of State must take into account any advice received from the single financial guidance body under section 3(7)(b)(ii) (consumer protection function: advice on effect on consumers of unsolicited direct marketing).
- (4) The regulations may—
  - (a) make different provision for different purposes;
  - (b) make different provision for different areas;
  - (c) make incidental, supplementary, consequential, transitional or saving provision.

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**Financial Guidance and Claims Bill [Lords], continued**

- (5) Regulations under this section are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

**Member’s explanatory statement**

*This new clause would give the Secretary of State the power to make regulations (subject to the affirmative procedure) banning unsolicited direct marketing in relation to consumer financial products and services other than pensions. It would come immediately after NC3.*

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Stella Creasy  
Gareth Snell  
Gareth Thomas  
Stephen Doughty

NC1

To move the following Clause—

**“High-cost credit: advice to the Financial Conduct Authority**

- (1) In exercising its functions the single financial guidance body must have regard to the effect of high-cost credit card lending on consumer protection and must produce and publish an annual assessment of any consumer detriment.
- (2) The assessment under subsection (1) shall in particular consider—
  - (a) what level of interest and fees constitute a high-cost credit card;
  - (b) information provided by high-cost credit card providers to customers, and whether such information allows customers to make informed financial decisions;
  - (c) the impact of high-cost credit lending on levels of personal debt, as well as any other factors that the single financial guidance body considers relevant.
- (3) If the single financial guidance body considers it to be necessary for consumer protection it must advise the Financial Conduct Authority to impose a limit on the cost of specified types of credit.”

**Member’s explanatory statement**

*This new clause would require the single financial guidance body to consider the effect of high-cost lending using credit cards on consumer protection and produce an annual assessment of any consumer detriment from such high-cost lending.*

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Jack Dromey  
Debbie Abrahams  
Mike Amesbury  
Vicky Foxcroft

NC2

To move the following Clause—

**“Specific requirements as to the pensions guidance function: mid life reviews**

- (1) As part of its pensions guidance and money guidance functions, the single financial guidance body must provide targeted information and guidance for

**Financial Guidance and Claims Bill [Lords], continued**

members of the public from the age of 50 to help them make decisions on their financial affairs.

- (2) In particular, the information and guidance in subsection (1) shall include information and guidance on—
- (a) increasing pension contributions in preparation for retirement,
  - (b) saving money in preparation for retirement, and
  - (c) career development and the impact of career development on financial matters including preparation for retirement.”

**Member’s explanatory statement**

*This new clause provides for the single financial guidance body to provide guidance to members of the public over the age of 50, to prepare them for retirement. These “mid life reviews” would provide guidance on pensions, savings, and career development.*

Frank Field

NC5

To move the following Clause—

**“Unsolicited direct marketing: pensions**

- (1) The Secretary of State may make regulations prohibiting unsolicited direct marketing relating to pensions and prohibiting the use for commercial purposes of information obtained by means of such direct marketing.
- (2) The regulations may—
  - (a) make provision about when a communication is to be, or is not to be, treated as unsolicited;
  - (b) make provision for exceptions to the prohibition;
  - (c) confer functions on the Information Commissioner, on OFCOM and on the Financial Conduct Authority
  - (d) apply (with or without modifications) provisions of the Data Protection Act 1998, the Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426) or the Financial Services and Markets Act 2000 (including, in particular, provisions relating to enforcement).
- (3) The regulations may—
  - (a) make different provision for different purposes;
  - (b) make different provision for different areas;
  - (c) make incidental, supplementary, consequential, transitional or saving provision.
- (4) Regulations under this section are to be made by statutory instrument.
- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) If before the end of June in any year the Secretary of State has not made regulations under this section (whether or not in that year), the Secretary of State must—
  - (a) publish a statement, by the end of July in that year, explaining why regulations have not been made and setting a timetable for making the regulations, and
  - (b) lay the statement before each House of Parliament.

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**Financial Guidance and Claims Bill [*Lords*], *continued***

- (7) In this section, “OFCOM” means the Office of Communications established by section 1 of the Office of Communications Act 2002.”

***Member’s explanatory statement***

*This new clause inserts a new power for the Secretary of State to make regulations (subject to the affirmative procedure) banning unsolicited direct marketing relating to pensions and the use for commercial purposes of information obtained by means of such direct marketing. If the power is not exercised by the end of June, the Secretary of State must explain to Parliament why not.*

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Jack Dromey  
Debbie Abrahams  
Mike Amesbury  
Vicky Foxcroft

NC6

To move the following Clause—

**“Regulatory principles to be applied in respect of claims management services—**

- (1) The FCA may make recommendations to the Secretary of State on regulatory principles to be applied to claims management services.
- (2) The matters on which the FCA may make recommendations include, in relation to claims management services—
  - (a) the duties of authorised persons to act honestly, fairly and professionally in accordance with the best interests of consumers;
  - (b) the duties of authorised persons to manage conflicts of interest fairly, both between themselves and their clients, and between clients;
  - (c) other duties of authorised persons related to a duty of care towards their clients.
- (3) If the FCA recommends that regulatory principles be applied to claims management services, the Secretary of State may by regulations impose such principles.
- (4) The power to make regulations under subsection (3) is exercisable by statutory instrument; and an instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this section, “authorised person” has the same meaning as in the Financial Services and Markets Act 2000, and “authorised persons” shall be construed accordingly.”

***Member’s explanatory statement***

*This new clause would allow the FCA to recommend that the Secretary of State introduces a duty of care which would require claims management services to act with the best interests of the customers in mind.*

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**Financial Guidance and Claims Bill [Lords], continued**

Stephen Lloyd

NC7

To move the following Clause—

**“Assessment of public preparedness for income shocks**

- (1) As part of its strategic function, the single financial guidance body must from time to time publish an assessment of the ability of members of the public to plan for and address sudden reductions in income.
  - (2) An assessment under this section must consider the impact of the work of the single financial guidance body on the ability of members of the public to plan for and address sudden reductions in income.
  - (3) The Secretary of State must lay before the House of Commons any assessment conducted under this section as soon as practicable after its completion.”
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Steve McCabe

NC8

To move the following Clause—

**“Ban on unsolicited real-time direct approaches by, on behalf of, or for the benefit of companies carrying out claims management services and a ban on the use by claims management companies of data obtained by such methods**

- (1) The FCA must, as soon as they take responsibility for claim management companies, introduce bans on—
    - (a) unsolicited real-time direct approaches to members of the public carried out by whatever means, digital or otherwise, by, on behalf of, or for the benefit of companies carrying out claims management services or their agents or representatives, and
    - (b) the use for any purpose of any data by companies carrying out claims management services, their agents or representatives where they cannot demonstrate to the satisfaction of the FCA that this data does not arise from any unsolicited real-time direct approach to members of the public carried out by whatever means, digital or otherwise.
  - (2) The FCA must fix the appropriate penalties for breaches of subsection (1)(a) and (b) above.”
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Financial Guidance and Claims Bill [*Lords*], *continued*

Gareth Thomas  
Luciana Berger  
Stella Creasy  
Gareth Snell  
Stephen Doughty  
Mr Paul Sweeney

Alex Sobel  
Tracey Brabin  
John Woodcock  
Stephen Twigg  
Jonathan Reynolds

Chris Evans  
Mike Gapes  
Mrs Louise Ellman  
Anneliese Dodds

Anna Turley  
Lucy Powell  
Mr Chris Leslie  
Mr Steve Reed

31

Clause 2, page 2, line 17, at end insert—

“including information about the services offered by credit unions,”

***Member’s explanatory statement***

*This amendment adds to the objectives of the single financial guidance body the requirement to provide information about credit unions.*

Neil Gray

39

Clause 2, page 2, line 23, leave out from “accordingly” to the end of line 24 and insert—

“(da) to ensure the needs of people in vulnerable circumstances, including but not exclusively—

- (i) those who suffer long-term sickness or disability,
- (ii) carers,
- (iii) those on low incomes, and
- (iv) recipients of benefits,

are met and that resources are allocated in such a way as to allow specially trained advisers and guidance to be made available to them,”

***Member’s explanatory statement***

*This amendment would require that specially trained advisers and guidance are made available to people in vulnerable circumstances and would provide an indicative list of what vulnerable circumstances should include.*

Neil Gray

40

Clause 2, page 2, line 36, at end insert—

“(4) The single financial guidance body must ensure it communicates to consumers using its services the difference between—

- (a) provision of information,
- (b) provision of guidance,
- (c) provision of advice.”

***Member’s explanatory statement***

*This amendment would require the new body to ensure that consumers are made aware of the differences between ‘information’, ‘guidance’ and ‘advice’ so that they can specify what type of services they require from the new body.*

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**Financial Guidance and Claims Bill [Lords], continued**

Stella Creasy

4

- Clause 3, page 3, line 5, at end insert—  
“(c) advice to the Financial Conduct Authority on matters relating to high-cost credit”

Crispin Blunt

41

- Clause 3, page 3, line 16, at end insert—  
“(6A) As part of its money guidance function, the single financial guidance body must make available financial guidance on the use of alternative sources of retirement income, including housing wealth, to enable members of the public to make fully informed decisions about pensions and retirement income.”

***Member’s explanatory statement***

*This amendment would place a duty on the single financial guidance body to make available guidance on alternative sources of retirement income, such as equity release. This will provide a pathway for members of the public to consider their wider assets, particularly their housing wealth, to make effective decisions about their retirement income.*

Secretary Esther McVey

10

- Clause 3, page 3, line 17, leave out subsection (7) and insert—

“(7) The consumer protection function is—

- 5 (a) to notify the FCA where, in the exercise of its other functions, the single financial guidance body becomes aware of practices carried out by FCA-regulated persons (within the meaning of section 139A of the Financial Services and Markets Act 2000) which it considers to be detrimental to consumers, and
- 10 (b) to consider the effect of unsolicited direct marketing on consumers of financial products and services, and, in particular—
- (i) from time to time publish an assessment of whether unsolicited direct marketing is, or may be, having a detrimental effect on consumers, and
- 15 (ii) advise the Secretary of State whether to make regulations under section (*Unsolicited direct marketing: other consumer financial products etc*) (unsolicited direct marketing: other consumer financial products etc).”

***Member’s explanatory statement***

*This amendment makes changes to the consumer protection function to make it clearer exactly what it entails.*

As an Amendment to Secretary Esther McVey’s proposed Amendment (No. 10):—

Stephen Lloyd

(a)

- Line 9, leave out “from time to time” and insert “at least once every two years”

Stephen Lloyd

34

- Clause 3, page 3, line 34, at end insert—  
“(aa) the capability of members of the public to plan for and address sudden reductions in income,”



Financial Guidance and Claims Bill [*Lords*], *continued*

Gareth Thomas  
Luciana Berger  
Stella Creasy  
Gareth Snell  
Stephen Doughty  
Liam Byrne

Frank Field  
Clive Efford  
Chris Evans  
David Hanson  
Lucy Powell  
Debbie Abrahams  
Wes Streeting  
Ruth Cadbury  
Mr Chris Leslie  
Anneliese Dodds

Lisa Nandy  
Mr Paul Sweeney  
Anna Turley  
Tracey Brabin  
John Woodcock  
Mike Amesbury  
Stephen Timms  
Rushanara Ali  
Edward Milliband  
Mr Steve Reed

Dan Jarvis  
Alex Sobel  
Kate Green  
Mike Gapes  
Jack Dromey  
Vicky Foxcroft  
Chuka Umunna  
Mrs Louise Ellman  
Stephen Twigg  
Jonathan Reynolds

1

Clause 3, page 3, line 39, at end insert—

“(11) In carrying out its strategic and other functions the single financial guidance body must make and publish an annual assessment of the level of different types of lending across the United Kingdom by district.

(12) The types of lending covered by the assessment in subsection (11) should include—

- (a) high cost short term credit,
- (b) hire purchase agreements,
- (c) conditional sale agreements,
- (d) open ended credit,
- (e) other secured lending, and
- (f) other unsecured lending.”

***Member’s explanatory statement***

*This amendment requires the single financial guidance body to carry out an annual assessment of the level of different types of lending in different geographical areas across the United Kingdom.*

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Secretary Esther McVey

11

Page 3, line 40, leave out Clause 4

***Member’s explanatory statement***

*This amendment removes the clause on cold-calling (inserted by the Lords). NC3 and NC4 instead provide a power for the Secretary of State to make regulations banning unsolicited direct marketing relating to pensions and other consumer financial products and services.*

**Financial Guidance and Claims Bill [Lords], continued**

Jack Dromey  
Debbie Abrahams  
Mike Amesbury  
Vicky Foxcroft  
Steve McCabe

8

Clause 4, page 4, line 2, at end insert—

“(2A) The single financial guidance body must, within 12 months of the passing of this Act, advise the Secretary of State on how to most effectively implement bans on—

- (a) cold-calling on behalf of, or for the benefit of companies carrying out claims management services or their agents or representatives, and
- (b) the commercial use of any data by companies carrying out claims management services, their agents or representatives where they cannot demonstrate to the satisfaction of the Secretary of State that this data was not obtained by cold-calling.

(2B) In this section “claims management services” has the same meaning as in section 419A of the Financial Services and Markets Act 2000.”

***Member’s explanatory statement***

*This amendment will require the Secretary of State to specifically ban cold-calling and the commercial use of data from cold-calling by claims management companies, in addition to any bans recommended by the single financial guidance body.*

Jack Dromey  
Debbie Abrahams  
Mike Amesbury  
Vicky Foxcroft  
Steve McCabe

9

Clause 4, page 4, line 4, leave out “may” and insert “must”

***Member’s explanatory statement***

*This amendment will place a statutory duty on the Secretary of State to institute bans on cold-calling on receipt of advice to do so from the single financial guidance body.*

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Financial Guidance and Claims Bill [*Lords*], *continued*

Luciana Berger  
 Johnny Mercer  
 Norman Lamb  
 Caroline Lucas  
 Heidi Alexander  
 Dr Roberta Blackman-Woods

Tracy Brabin	Mr Ben Bradshaw	Ms Karen Buck
Richard Burden	Ruth Cadbury	Yvette Cooper
Stella Creasy	Mr Tanmanjeet Singh Dhesi	Dr David Drew
Julie Elliott	Yvonne Fovargue	Hugh Gaffney
Kate Green	Mrs Sharon Hodgson	Helen Jones
Barbara Keeley	Ian C. Lucas	Seema Malhotra
Kerry McCarthy	Alison McGovern	Anna McMorrin
Mrs Madeleine Moon	Rachel Reeves	Naz Shah
Mr Virendra Sharma	Ruth Smeeth	Gareth Thomas
Derek Twigg	Stephen Twigg	Liz Twist
Dr Paul Williams	Stephen Twigg	Anneliese Dodds
Mr Steve Reed	Jonathan Reynolds	Dr Lisa Cameron

5

Clause 7, page 5, line 37, at end insert—

- “(ia) how it will specifically provide protections and help to individuals in receipt of mental health crisis services, including NHS mental health crisis services;
- (ib) which other mental health treatment services should be considered mental health crisis services for the purposes of this Act.”

Jack Dromey  
 Debbie Abrahams  
 Mike Amesbury  
 Vicky Foxcroft

3

Clause 7, page 5, line 39, at end insert—

- “(iia) the application of the scheme for duration of a person’s stay in hospital or under the care of a crisis team in their local community”

***Member’s explanatory statement***

*This amendment will ensure that people who are staying in hospital or under the care of a crisis team in their local community will be protected by the Debt Respite Scheme once it is established.*

Jack Dromey  
 Debbie Abrahams  
 Mike Amesbury  
 Vicky Foxcroft  
 Yvonne Fovargue  
 Caroline Lucas

30

Clause 8, page 6, line 15, at end insert “and must do so before 1 January 2020.”

***Member’s explanatory statement***

*This amendment commits the Secretary of State to implement a debt respite scheme by the end of next year.*

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**Financial Guidance and Claims Bill [Lords], continued**

Luciana Berger  
 Johnny Mercer  
 Norman Lamb  
 Caroline Lucas  
 Heidi Alexander  
 Dr Roberta Blackman-Woods

Tracy Brabin  
 Richard Burden  
 Stella Creasy  
 Julie Elliott  
 Kate Green  
 Barbara Keeley  
 Kerry McCarthy  
 Mrs Madeleine Moon  
 Mr Virendra Sharma  
 Derek Twigg  
 Dr Paul Williams

Mr Ben Bradshaw  
 Ruth Cadbury  
 Mr Tanmanjeet Singh Dhese  
 Yvonne Fovargue  
 Mrs Sharon Hodgson  
 Ian C. Lucas  
 Alison McGovern  
 Rachel Reeves  
 Ruth Smeeth  
 Stephen Twigg  
 Dr Lisa Cameron

Ms Karen Buck  
 Yvette Cooper  
 Dr David Drew  
 Hugh Gaffney  
 Helen Jones  
 Seema Malhotra  
 Anna McMorrin  
 Naz Shah  
 Gareth Thomas  
 Liz Twist

6

Clause 8, page 6, line 16, at end insert—

- “(3A) A debt respite scheme established by regulations under this section must, specifically, provide protection and help to individuals in receipt of mental health crisis services as well as any other types of individual provided for by regulations under this section.
- (3B) The regulations must define which services should be considered “mental health crisis services” for the purpose of this Act in addition to the definition in section 25 of this Act.
- (3C) A debt respite scheme established by regulations under this section shall be accessible to individuals in receipt of mental health crisis services irrespective of whether those individuals have accessed debt advice.”

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Secretary Esther McVey

12

Clause 18, page 14, line 17, after “where” insert “—

- (i) the disclosure is for the purpose of enabling or facilitating the exercise of the consumer protection function, or
- (ii) ”

***Member’s explanatory statement***

*This amendment is consequential upon Amendment 10, which makes changes to the consumer protection function, including requiring the SFGB to pass information to the FCA in certain circumstances. This amendment ensures that disclosure of information in these circumstances is protected by subsection (7) of Clause 18.*

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**Financial Guidance and Claims Bill [Lords], continued**

Secretary Esther McVey

13

Clause 19, page 14, line 40, leave out from beginning to end of line 8 on page 15 and insert—

- “(1B) As part of the application process, the trustees or managers must ensure that—
- (a) the member or survivor is referred to appropriate pensions guidance, and
  - (b) the member or survivor is provided with an explanation of the nature and purpose of such guidance.
- (1C) Before proceeding with the application, the trustees or managers must ensure that the member or survivor has either received appropriate pensions guidance or has opted out of receiving such guidance.”

**Member’s explanatory statement**

*This amendment will enable FCA rules to require trustees of a personal pension scheme who receive an application from a member to access or transfer their pension to refer them to SFGB guidance and explain its nature and purpose (or ensure that another person, such as the SFGB, does so) and will prevent them from proceeding unless the member confirms that they have received guidance or do not want it.*

Frank Field

32

Clause 19, page 14, line 40, leave out from beginning to end of line 8 on page 15 and insert—

- “(1B) As part of the application process, the trustees or managers must ensure that—
- (a) the member or survivor is referred to appropriate independent and impartial pensions guidance, and
  - (b) the member or survivor is provided with an explanation of the nature and purpose of such guidance.
- “(1C) Before proceeding with the application, the trustees or managers must ensure that the member or survivor has either received appropriate independent and impartial pensions guidance or has indicated to the provider of appropriate independent and impartial pensions guidance the desire to opt out of receiving such guidance.”

**Member’s explanatory statement**

*This amendment will enable FCA rules to require trustees of a personal pension scheme who receive an application from a member to access or transfer their pension to refer them to SFGB guidance and explain its nature and purpose (or ensure that another person, such as the SFGB, does so) and will prevent them from proceeding unless the member confirms that they have received guidance or have indicated to the SFGB that they do not want it.*

Secretary Esther McVey

14

Clause 19, page 15, line 10, leave out from “guidance” to end of line 11

**Member’s explanatory statement**

*This amendment (and Amendment 13) removes references to independent financial advice from Clause 19, so that it refers only to pensions guidance given by the SFGB in pursuance of Clause 5 of the Bill.*

Secretary Esther McVey

15

Clause 19, page 15, line 14, at end insert—

- “( ) make further provision about how, and to whom, a member or survivor may indicate that they have received or opted out of receiving appropriate pensions guidance for the purposes of subsection (1C);”

**Member’s explanatory statement**

*This amendment expressly envisages the rules making provision about how the opt-out (or*

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**Financial Guidance and Claims Bill [Lords], continued**

*confirmation of receipt of guidance) mentioned in the new subsection (1C) inserted by Amendment 13 must be expressed in order to be effective.*

Frank Field

33

Clause 19, page 15, line 14, at end insert—

“(ba) make further provision about how and to whom, a member or survivor may indicate that they have received appropriate independent and impartial pensions guidance, or have indicated to the provider of this guidance that they wish to opt out, for the purposes of subsection (1C);”

**Member’s explanatory statement**

*This amendment expressly envisages the rules making provision about how the opt-out (or confirmation of receipt of guidance) mentioned in the new subsection (1C) inserted by Amendment 32 must be expressed in order to be effective.*

Secretary Esther McVey

16

Clause 19, page 15, leave out line 17 and insert “communication that is made for the purposes of complying with the duty in subsection (1C)”

**Member’s explanatory statement**

*This amendment is consequential on the changes to the duties on trustees made by Amendment 13.*

Secretary Esther McVey

17

Clause 20, page 16, line 10, leave out from beginning to end of line 23 and insert—

- “(2) As part of the application process, the trustees or managers must ensure that—
- (a) the beneficiary is referred to appropriate pensions guidance, and
  - (b) the beneficiary is provided with an explanation of the nature and purpose of such guidance.
- (3) Before proceeding with the application, the trustees or managers must ensure that the beneficiary has either received appropriate pensions guidance or has opted out of receiving such guidance.”

**Member’s explanatory statement**

*This amendment makes equivalent changes to Clause 20(2), which relates to occupational pension schemes in Great Britain, to the changes made by Amendment 13 for personal pension schemes.*

Frank Field

35

Clause 20, page 16, line 10, leave out from beginning to end of line 23 and insert—

- “(2) As part of the application process, the trustees or managers must ensure that—
- (a) the beneficiary is referred to appropriate independent and impartial pensions guidance, and
  - (b) the beneficiary is provided with an explanation of the nature and purpose of such guidance.
- (3) Before proceeding with the application, the trustees or managers must ensure that the beneficiary has either received appropriate independent and impartial

**Financial Guidance and Claims Bill [Lords], continued**

pensions guidance or has indicated to the provider of appropriate independent and impartial pensions guidance the desire to opt out of receiving such guidance.”

**Member’s explanatory statement**

*This amendment makes equivalent changes to Clause 20(2), which relates to occupational pension schemes in Great Britain, to the changes made by Amendment 32 for personal pension schemes.*

Secretary Esther McVey

18

Clause 20, page 16, line 25, leave out from “guidance” to end of line 26

**Member’s explanatory statement**

*This amendment is the equivalent to Amendment 14 for occupational pension schemes in Great Britain.*

Secretary Esther McVey

19

Clause 20, page 16, line 29, at end insert—

“( ) make further provision about how, and to whom, a beneficiary may indicate that they have received or opted out of receiving appropriate pensions guidance for the purposes of subsection (3);”

**Member’s explanatory statement**

*This amendment is the equivalent to Amendment 15 for occupational pension schemes in Great Britain.*

Frank Field

36

Clause 20, page 16, line 29, at end insert—

“( ) make further provision about how, and to whom, a beneficiary may indicate that they have received appropriate independent and impartial pensions guidance, or have indicated to the provider of this guidance that they wish to opt out, for the purposes of subsection (3)

**Member’s explanatory statement**

*This amendment is the equivalent to Amendment 33 for occupational pension schemes in Great Britain.*

Secretary Esther McVey

20

Clause 20, page 16, line 31, leave out from second “a” to end of line 32 and insert “communication that is made for the purposes of complying with the duty in subsection (3)”

**Member’s explanatory statement**

*This amendment is the equivalent to Amendment 16 for occupational pension schemes in Great Britain.*

Secretary Esther McVey

21

Clause 20, page 17, line 27, leave out from beginning to end of line 40 and insert—

- “(2) As part of the application process, the trustees or managers must ensure that—
- (a) the beneficiary is referred to appropriate pensions guidance, and
  - (b) the beneficiary is provided with an explanation of the nature and purpose of such guidance.

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**Financial Guidance and Claims Bill [Lords], continued**

- (3) Before proceeding with the application, the trustees or managers must ensure that the beneficiary has either received appropriate pensions guidance or has opted out of receiving such guidance.”

**Member's explanatory statement**

*This amendment makes equivalent changes to Amendments 13 and 17 for occupational pension schemes in Northern Ireland.*

Secretary Esther McVey

22

Clause 20, page 17, line 42, leave out from “guidance” to end of line 43

**Member's explanatory statement**

*This amendment is the equivalent to Amendments 14 and 18 for occupational pension schemes in Northern Ireland.*

Secretary Esther McVey

23

Clause 20, page 17, line 46, at end insert—

- “( ) make further provision about how, and to whom, a beneficiary may indicate that they have received or opted out of receiving appropriate pensions guidance for the purposes of subsection (3);”

**Member's explanatory statement**

*This amendment is the equivalent to Amendments 15 and 19 for occupational pension schemes in Northern Ireland.*

Secretary Esther McVey

24

Clause 20, page 18, line 2, leave out from second “a” to end of line 3 and insert “communication that is made for the purposes of complying with the duty in subsection (3)”

**Member's explanatory statement**

*This amendment is the equivalent to Amendments 16 and 20 for occupational pension schemes in Northern Ireland.*

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Secretary Esther McVey

That Clause 22 be transferred to the beginning of line 1 on page 21

**Member's explanatory statement**

*This is a drafting change to reorder some of the existing clauses in the Bill to provide a more logical order following the insertion of NC3 and NC4.*

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Secretary Esther McVey

25

Clause 25, page 21, line 2, at end insert—

“the “consumer protection function” has the meaning given in section 3(7);”

**Member's explanatory statement**

*This amendment inserts a definition of “the consumer protection function” into the interpretation clause, which will be necessary following the amendment to Clause 18 made by Amendment 12, which refers to the consumer protection function.*



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Financial Guidance and Claims Bill [*Lords*], *continued*

Secretary Esther McVey

26

Clause 25, page 21, line 7, at end insert—

““direct marketing” means the communication (by whatever means) of advertising or marketing material which is directed to particular individuals;”

***Member’s explanatory statement***

*This amendment inserts a definition of “direct marketing” into the interpretation clause (using the definition in data protection legislation), which is a term used in the consumer protection function (see Amendment 10) and in NC3 and NC4.*

Luciana Berger  
 Johnny Mercer  
 Norman Lamb  
 Caroline Lucas  
 Heidi Alexander  
 Dr Roberta Blackman-Woods

Tracy Brabin  
 Richard Burden  
 Stella Creasy  
 Julie Elliott  
 Kate Green  
 Barbara Keeley  
 Kerry McCarthy  
 Mrs Madeleine Moon  
 Mr Virendra Sharma  
 Derek Twigg  
 Dr Paul Williams

Mr Ben Bradshaw  
 Ruth Cadbury  
 Mr Tanmanjeet Singh Dhesi  
 Yvonne Fovargue  
 Mrs Sharon Hodgson  
 Ian C. Lucas  
 Alison McGovern  
 Rachel Reeves  
 Ruth Smeeth  
 Stephen Twigg

Ms Karen Buck  
 Yvette Cooper  
 Dr David Drew  
 Hugh Gaffney  
 Helen Jones  
 Seema Malhotra  
 Anna McMorrin  
 Naz Shah  
 Gareth Thomas  
 Liz Twist

7

Clause 25, page 21, line 9, at end insert—

““NHS Mental health crisis services” means services provided by NHS England, NHS Wales, or Health and Social Care in Northern Ireland in order to treat acute crises in mental health, whether arising from either acute or chronic mental health conditions.”

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Secretary Esther McVey

27

Clause 36, page 35, line 25, after “Sections” insert (*Unsolicited direct marketing: pensions*), (*Unsolicited direct marketing: other consumer financial products etc*) and”

***Member’s explanatory statement***

*This amendment amends the commencement clause so that the new clauses on unsolicited direct marketing contained in NC3 and NC4, would come into force automatically two months after Royal Assent.*

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**Financial Guidance and Claims Bill [Lords], continued**

Jack Dromey  
Debbie Abrahams  
Mike Amesbury  
Vicky Foxcroft

37

Schedule 1, page 38, line 4, at end insert—

- “3A (1) The term of office of a person appointed as chair under paragraph 2(1)(a) must not begin before—
- (a) the person has, in connection with the appointment, appeared before the Work and Pensions Committee of the House of Commons, or
  - (b) (if earlier) the end of the period of 3 months beginning with the day on which the appointment is made.
- (2) Sub-paragraph (1) does not apply if the person is appointed as chair on an acting basis, pending a further appointment being made.
- (3) The reference to the Work and Pensions Committee of the House of Commons—
- (a) if the name of that Committee is changed, is a reference to that Committee by its new name, and
  - (b) if the functions of that Committee (or substantially corresponding functions) become functions of a different Committee of the House of Commons, is to be treated as a reference to the Committee by which the functions are exercisable.
- (4) Any question arising under sub-paragraph (3) is to be determined by the Speaker of the House of Commons.”

***Member’s explanatory statement***

*This amendment would require the chair of the single financial guidance body to attend a pre-appointment hearing with the Work and Pensions Committee of the House of Commons before starting their appointment. If no such hearing is held within three months, the appointment can also begin.*

Jack Dromey  
Debbie Abrahams  
Mike Amesbury  
Vicky Foxcroft

38

Schedule 1, page 38, line 41, at end insert:

- “6A (1) The term of office of a person appointed as chief executive under paragraph 6(1)(a) must not begin before—
- (a) the person has, in connection with the appointment, appeared before the Work and Pensions Committee of the House of Commons, or
  - (b) (if earlier) the end of the period of 3 months beginning with the day on which the appointment is made.
- (2) Sub-paragraph (1) does not apply if the person is appointed as chief executive on an acting basis, pending a further appointment being made.
- (3) The reference to the Work and Pensions Committee of the House of Commons—
- (a) if the name of that Committee is changed, is a reference to that Committee by its new name, and
  - (b) if the functions of that Committee (or substantially corresponding functions) become functions of a different Committee of the House of Commons, is to be treated as a reference to the Committee by which the functions are exercisable.

**Financial Guidance and Claims Bill [Lords], continued**

- (4) Any question arising under sub-paragraph (3) is to be determined by the Speaker of the House of Commons.”

**Member’s explanatory statement**

*This amendment would require the chief executive of the single financial guidance body to attend a pre-appointment hearing with the Work and Pensions Committee of the House of Commons before starting their appointment. If no such hearing is held within three months, the appointment can also begin.*

Gareth Thomas  
Luciana Berger  
Stella Creasy  
Gareth Snell  
Stephen Doughty  
Liam Byrne

Frank Field  
Clive Efford  
Chris Evans  
David Hanson  
Lucy Powell  
Debbie Abrahams  
Wes Streeting  
Ruth Cadbury  
Mr Chris Leslie  
Anneliese Dodds

Lisa Nandy  
Mr Paul Sweeney  
Anna Turley  
Tracey Brabin  
John Woodcock  
Mike Amesbury  
Stephen Timms  
Rushanara Ali  
Edward Milliband  
Mr Steve Reed

Dan Jarvis  
Alex Sobel  
Kate Green  
Mike Gapes  
Jack Dromey  
Vicky Foxcroft  
Chuka Umunna  
Mrs Louise Ellman  
Stephen Twigg  
Jonathan Reynolds

2

Schedule 3, page 45, line 8, at end insert—

“17A(1) Section 165 (regulators’ power to require information: authorised persons etc) is amended as follows.

(2) In subsection (4) after paragraph (b) insert—

- (c) in relation to the exercise by the FCA of the powers conferred by subsections (1) and (3), information and documents reasonably required by the single financial guidance body in connection with the exercise by the body of its functions as set out in section 3 of the Financial Guidance and Claims Act 2018.”

**Member’s explanatory statement**

*This amendment extends the FCA’s power to require information from authorised persons to include information required by the single financial guidance body for carrying out its functions.*

Secretary Esther McVey

28

Title, line 2, leave out “cold-calling and”

**Member’s explanatory statement**

*This amendment, together with Amendment 29, amends the long title in consequence of NC3 and NC4.*

Financial Guidance and Claims Bill [*Lords*], *continued*

Secretary Esther McVey

29

Title, line 3, at end insert “to provide a power to make regulations prohibiting unsolicited direct marketing in relation to pensions and other consumer financial products and services;”

*Member’s explanatory statement*

*See explanatory statement for Amendment 28.*

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## ORDER OF THE HOUSE [22 JANUARY 2018]

That the following provisions shall apply to the Financial Guidance and Claims Bill [*Lords*]:

*Committal*

1. The Bill shall be committed to a Public Bill Committee.

*Proceedings in Public Bill Committee*

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 6 February 2018.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

*Proceedings on Consideration and up to and including Third Reading*

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

*Other proceedings*

7. Any other proceedings on the Bill may be programmed.
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