



# House of Commons

Tuesday 24 April 2018

## CONSIDERATION OF BILL (REPORT STAGE)

---

*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

---

#### 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**This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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.**

---

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.
- (5) Regulations under this section are to be made by statutory instrument.

---

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

- (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..*

---

Secretary Esther McVey

NC9

To move the following Clause—

**“Unsolicited direct marketing: pensions (No. 2)**

- (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 legislation 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;
- (c) make incidental, supplementary, consequential, transitional or saving provision.
- (4) Regulations under this section are to be made by statutory instrument.
- 20           (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
- 25           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.*

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

As Amendments to Secretary Esther McVey’s proposed New Clause (*Unsolicited direct marketing: pensions (No. 2)*) (NC9):—

Stephen Lloyd

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

(a)

Frank Field

Line 3, after “pensions” insert “and prohibiting the use for commercial purposes of information obtained by means of such direct marketing”

(b)

Frank Field

Line 8, leave out “and on Ofcom” and insert “, on Ofcom and on the Financial Conduct Authority”

(c)

Frank Field

Line 12, after “(S.I. 2003/2426)” insert “or the Financial Services and Markets Act 2000”

(d)

**Member’s explanatory statement**

*Amendments (b), (c) and (d) to NC9 provide for the Financial Conduct Authority to have functions in respect of the ban on unsolicited direct marketing relating to pensions.*

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-*

---

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

*cost lending using credit cards on consumer protection and produce an annual assessment of any consumer detriment from such high-cost lending.*

---

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 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.*

---

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.

---

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

- (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.*

---

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.”

---

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.

---

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

- (2) The FCA must fix the appropriate penalties for breaches of subsection (1)(a) and (b) above.”

---

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

Alex Sobel  
Tracey Brabin  
John Woodcock  
Stephen Twigg  
Jonathan Reynolds  
Mr Adrian Bailey  
Diana Johnson

Chris Evans  
Mike Gapes  
Mrs Louise Ellman  
Anneliese Dodds  
Seema Malhotra  
Christina Rees

Anna Turley  
Lucy Powell  
Mr Chris Leslie  
Mr Steve Reed  
Alex Norris  
Jim McMahon

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,

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

(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.*

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.*

---

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

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

Stephen Lloyd

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

Stephen Lloyd

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

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  
 Seema Malhotra  
 Christina Rees  
 Shabana Mahmood  
 Caroline Lucas  
 Mrs Sharon Hodgson  
 Stephen Kinnock

Lisa Nandy  
 Mr Paul Sweeney  
 Anna Turley  
 Tracey Brabin  
 John Woodcock  
 Mike Amesbury  
 Stephen Timms  
 Rushanara Ali  
 Edward Milliband  
 Mr Steve Reed  
 Alex Norris  
 Jim McMahon  
 Jon Cruddas  
 Carolyn Harris  
 Matthew Pennycook

Dan Jarvis  
 Alex Sobel  
 Kate Green  
 Mike Gapes  
 Jack Dromey  
 Vicky Foxcroft  
 Chuka Umunna  
 Mrs Louise Ellman  
 Stephen Twigg  
 Jonathan Reynolds  
 Mr Adrian Bailey  
 Jonathan Edwards  
 Chris Williamson  
 Yvonne Fovargue  
 Diana Johnson

Clause 3, page 3, line 39, at end insert— 1

- “(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.*

---



---

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

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.*

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.*

---

---

**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	Anneliese Dodds	Mr Steve Reed
Jonathan Reynolds	Melanie Onn	Gloria De Piero
Thelma Walker	James Frith	Rushanara Ali
Rosie Duffield	Helen Hayes	Wes Streeting
Mike Gapes	Diana Johnson	Yasmin Qureshi
Mr Charles Walker	Tim Farron	Ian Austin
Ann Coffey	Liz Kendall	Tulip Siddiq
Jamie Stone	Mr Edward Vaizey	Heidi Allen
Nicky Morgan	Henry Smith	Gordon Henderson
Mrs Pauline Latham	Colin Clark	Tom Tugendhat
Ruth George	Mary Creagh	John Woodcock
Ms Harriet Harman	Sarah Champion	Wera Hobhouse
Andrew Selous	Ellie Reeves	John McDonnell
Peter Dowd	Clive Lewis	Lyn Brown
Mr Alistair Carmichael	Tom Brake	George Freeman

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.*

---

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

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.*

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  
Thelma Walker  
Rosie Duffield  
Mike Gapes  
Mr Charles Walker  
Ann Coffey  
Jamie Stone  
Nicky Morgan  
Mrs Pauline Latham  
Mary Creagh  
Sarah Champion  
Ellie Reeves  
Jonathan Reynolds  
Lyn Brown  
George Freeman

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  
Melanie Onn  
James Frith  
Helen Hayes  
Diana Johnson  
Tim Farron  
Liz Kendall  
Mr Edward Vaizey  
Henry Smith  
Colin Clark  
John Woodcock  
Wera Hobhouse  
John McDonnell  
Clive Lewis  
Mr Alistair Carmichael

Ms Karen Buck  
Yvette Cooper  
Dr David Drew  
Hugh Gaffney  
Helen Jones  
Seema Malhotra  
Anna McMorrin  
Naz Shah  
Gareth Thomas  
Liz Twist  
Gloria De Piero  
Rushanara Ali  
Wes Streeting  
Yasmin Qureshi  
Ian Austin  
Tulip Siddiq  
Heidi Allen  
Gordon Henderson  
Ruth George  
Ms Harriet Harman  
Andrew Selous  
Peter Dowd  
Anneliese Dodds  
Tom Brake

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.

---

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

- (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.”

---

Yvonne Fovargue  
Jack Dromey  
Vicky Foxcroft  
Mike Amesbury

Clause 10, page 7, line 22, at end insert “and to whether the standards are proportionate”.

**Member’s explanatory statement**

*Probing amendment. The SFGB’s standards setting powers also need to be matched with principles of good regulation, ensuring that conditions are proportionate to the benefits they are expected to bring. This would bring the Bill (impacting charities) into line standards setting and enforcement powers granted to other bodies (impacting firms) such as those granted to the FCA.*

---

Secretary Esther McVey

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.*

Secretary Esther McVey

Clause 18, page 14, line 26, leave out “Data Protection Act 1998” and insert “data protection legislation”

**Member’s explanatory statement**

*This amendment changes the reference to the Data Protection Act 1998 to a reference to the “data protection legislation” (as defined in Clause 25 as amended by Amendment 44) to reflect the changes to data protection legislation that are to be made by the Data Protection Bill.*

---

Secretary Esther McVey

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

42

12

43

13

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

- (b) the member or survivor is provided with an explanation of the nature and purpose of such guidance.
- 5 (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.*

As Amendments to Secretary Esther McVey’s proposed Amendment (No. 13):—

Frank Field

Line 2, after “appropriate” insert “independent and impartial”

(a)

Frank Field

Line 6, after “appropriate” insert “independent and impartial”

(b)

Frank Field

Line 6, leave out from second “or” to end of line 7 and insert “has indicated to the provider of appropriate independent and impartial pensions guidance the desire to opt out of receiving such guidance.”

(c)

**Member’s explanatory statement**

*Amendments (a), (b) and (c) to amendment 13 specify on the face of the Bill that the provider of the appropriate pensions guidance should be independent and impartial, and that any desire to opt-out of guidance must be indicated to this independent and impartial guidance provider.*

Secretary Esther McVey

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

14

**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

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

15

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

---

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

As an Amendment to Secretary Esther McVey's proposed Amendment (No. 15):—

Frank Field

- (a)**
- Line 2, leave out from “received” to end of line 3 and insert “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);”

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.
- 5 (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.*

As Amendments to Secretary Esther McVey's proposed Amendment (No. 17):—

Frank Field

- (a)**
- Line 2, after “appropriate” insert “independent and impartial”

Frank Field

- (b)**
- Line 6, after “appropriate” insert “independent and impartial”

Frank Field

- (c)**
- Line 6, leave out from “or” to end of line and insert “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**
- Amendments (a), (b) and (c) to Amendment 17 specify on the face of the Bill that the provider of the appropriate pensions guidance should be independent and impartial, and that any desire to opt-out of guidance must be indicated to this independent and impartial guidance provider.*

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

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.*

As an Amendment to Secretary Esther McVey’s proposed Amendment (No. 19):—

Frank Field

(a)

Line 2, leave out from “received” to end of line 3 and insert “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);”

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.

5

(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.*

---

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

As Amendments to Secretary Esther McVey's proposed Amendment (No. 21):—

Frank Field

Line 2, after “appropriate” insert “independent and impartial” (a)

Frank Field

Line 6, after “appropriate” insert “independent and impartial” (b)

Frank Field

Line 6, leave out from “or” to end of line and insert “has indicated to the provider of appropriate independent and impartial pensions guidance the desire to opt out” (c)

***Member's explanatory statement***

*Amendments (a), (b) and (c) to Amendment 21 specify on the face of the Bill that the provider of the appropriate pensions guidance should be independent and impartial, and that any desire to opt-out of guidance must be indicated to this independent and impartial guidance provider.*

Secretary Esther McVey

Clause 20, page 17, line 42, leave out from “guidance” to end of line 43 22

***Member's explanatory statement***

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

Secretary Esther McVey

Clause 20, page 17, line 46, at end insert— 23

“( ) 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.*

As an Amendment to Secretary Esther McVey's proposed Amendment (No. 23):—

Frank Field

Line 2, leave out from “received” to end of line 3 and insert “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);” (a)



---

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

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.*

---

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.*

---

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.*

Secretary Esther McVey

44

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

““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”

***Member’s explanatory statement***

*This amendment inserts a definition of the “data protection legislation” which is a term now used in Clause 18 (see Amendment 43) and the new clause inserted by NC9, to reflect the changes to be made to the law in this area by the Data Protection Bill.*

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.*

---

**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  
 Thelma Walker  
 Rosie Duffield  
 Mike Gapes  
 Mr Charles Walker  
 Ann Coffey  
 Jamie Stone  
 Nicky Morgan  
 Mrs Pauline Latham  
 Ruth George  
 Ms Harriet Harman  
 Andrew Selous  
 Jonathan Reynolds  
 Lyn Brown  
 George Freeman

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  
 Melanie Onn  
 James Frith  
 Helen Hayes  
 Diana Johnson  
 Tim Farron  
 Liz Kendall  
 Mr Edward Vaizey  
 Henry Smith  
 Colin Clark  
 Mary Creagh  
 Sarah Champion  
 John McDonnell  
 Clive Lewis  
 Mr Alistair Carmichael

Ms Karen Buck  
 Yvette Cooper  
 Dr David Drew  
 Hugh Gaffney  
 Helen Jones  
 Seema Malhotra  
 Anna McMorrin  
 Naz Shah  
 Gareth Thomas  
 Liz Twist  
 Gloria De Piero  
 Rushanara Ali  
 Wes Streeting  
 Yasmin Qureshi  
 Ian Austin  
 Tulip Siddiq  
 Heidi Allen  
 Gordon Henderson  
 Tom Tugendhat  
 John Woodcock  
 Wera Hobhouse  
 Peter Dowd  
 Anneliese Dodds  
 Tom Brake

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.”

---

Secretary Esther McVey

45

Clause 36, page 35, line 6, at end insert—

“( ) section (*Unsolicited direct marketing: pensions*);”

**Member’s explanatory statement**

*This amendment amends the commencement clause so that the new clause on unsolicited direct marketing relating to pensions (inserted by NC9) would come into force on Royal Assent.*

Secretary Esther McVey

46

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

**Member’s explanatory statement**

*This amendment amends the commencement clause so that the new clause on unsolicited direct*

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

*marketing relating to consumer financial products other than pensions would come into force automatically two months after Royal Assent.*

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—

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

- (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 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  
Seema Malhotra  
Christina Rees  
Shabana Mahmood  
Caroline Lucas  
Mrs Sharon Hodgson  
Stephen Kinnock

Lisa Nandy  
Mr Paul Sweeney  
Anna Turley  
Tracey Brabin  
John Woodcock  
Mike Amesbury  
Stephen Timms  
Rushanara Ali  
Edward Milliband  
Mr Steve Reed  
Alex Norris  
Jim McMahon  
Jon Cruddas  
Carolyn Harris  
Matthew Pennycook

Dan Jarvis  
Alex Sobel  
Kate Green  
Mike Gapes  
Jack Dromey  
Vicky Foxcroft  
Chuka Umunna  
Mrs Louise Ellman  
Stephen Twigg  
Jonathan Reynolds  
Mr Adrian Bailey  
Jonathan Edwards  
Chris Williamson  
Yvonne Fovargue  
Diana Johnson

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

---

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

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

47

Schedule 4, page 47, line 17, at end insert—

““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”

***Member’s explanatory statement***

*This amendment inserts a definition of “the data protection legislation”, which is a term now used in paragraph 19 of this Schedule (as amended by Amendment 48) to reflect the changes made by the Data Protection Bill.*

Secretary Esther McVey

48

Schedule 4, page 49, line 32, leave out “Data Protection Act 1998” and insert “data protection legislation”

***Member’s explanatory statement***

*This amendment changes the reference to the Data Protection Act 1998 to a reference to the “data protection legislation” to reflect the changes to data protection legislation that are to be made by the Data Protection Bill.*

---

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.*

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.*

---

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

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.
- 

**NOTICES WITHDRAWN**

*The following Notices were withdrawn on 13 March 2018:*

NC5, 32, 33, 35 and 36.

*The following Notices were withdrawn on 17 April 2018:*

NC3 and 27

---