

Financial Guidance and Claims Bill [HL]

COMMONS AMENDMENTS

[The page and line refer to Bill 131, the Bill as first printed for the Commons.]

Clause 1

- 1 Page 2, line 6, at end insert “and the devolved authorities.”

Clause 3

- 2 Page 3, line 12, leave out subsection (7) and insert –

“(7) The consumer protection function is –

- (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
- (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
 - (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).”

Clause 4

- 3 Page 3, line 35, leave out Clause 4

Clause 5

- 4 Page 4, line 13, leave out subsection (2)

Clause 18

- 5 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) ”

- 6 Page 14, line 26, leave out “Data Protection Act 1998” and insert “data protection legislation”

After Clause 18

- 7 Insert the following new Clause –

“Personal pension schemes: requirements to refer members to guidance etc

- (1) Section 137FB of the Financial Services and Markets Act 2000 (FCA general rules: disclosure of information about the availability of pensions guidance) is amended as follows.
- (2) After subsection (1), insert –
 - “(1A) The FCA must also make general rules requiring the trustees or managers of a relevant pension scheme to take the steps mentioned in subsections (1B) and (1C) in relation to an application from a member or survivor –
 - (a) to transfer any rights accrued under the scheme, or
 - (b) to start receiving benefits provided by the scheme.
 - (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.
 - (1D) The rules may –
 - (a) specify what constitutes appropriate pensions guidance;
 - (b) make further provision about how the trustees or managers must comply with the duties in subsections (1B) and (1C) (such as provision about methods of communication and time limits);
 - (c) 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);
 - (d) specify what the duties of the trustees or managers are in the situation where a member or survivor does not respond to a communication that is made for the purposes of complying with the duty in subsection (1C);
 - (e) provide for exceptions to the duties in subsections (1B) and (1C) in specified cases.”
- (3) In subsection (2), for “this section” substitute “subsection (1)”.
- (4) After subsection (2) insert –
 - “(2A) Before the FCA publishes a draft of any rules to be made by virtue of subsection (1A), it must consult –
 - (a) the Secretary of State, and

- (b) the single financial guidance body.”
- (5) In subsection (3), for “the rules” substitute “rules to be made by virtue of subsection (1)”.
- (6) After subsection (3) insert –
 - “(3A) In determining what provision to include in rules to be made by virtue of subsection (1A), the FCA must have regard to any regulations that are for the time being in force under section 113B of the Pension Schemes Act 1993 (occupational pension schemes: requirements to refer members to guidance etc).”
- (7) In subsection (4), for the definition of “pensions guidance” substitute –
 - ““pensions guidance” means information or guidance provided by any person in pursuance of the requirements mentioned in section 5 of the Financial Guidance and Claims Act 2018 (information etc about flexible benefits under pension schemes);”.

8 Insert the following new Clause –

“Occupational pension schemes: requirements to refer members to guidance etc

- (1) The Pension Schemes Act 1993 is amended as set out in subsections (2) to (5).

- (2) After section 113A insert –

“113B Occupational pension schemes: requirements to refer members to guidance etc

- (1) The Secretary of State must make regulations requiring the trustees or managers of an occupational pension scheme to take the steps mentioned in subsections (2) and (3) in relation to an application from a relevant beneficiary –
 - (a) to transfer any rights accrued under the scheme, or
 - (b) to start receiving benefits provided by the scheme.
- (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.
- (4) The regulations may –
 - (a) specify what constitutes appropriate pensions guidance;
 - (b) make further provision about how the trustees or managers must comply with the duties in subsections (2) and (3) (such as provision about methods of communication and time limits);
 - (c) 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);

- (d) specify what the duties of the trustees or managers are in the situation where a beneficiary does not respond to a communication that is made for the purposes of complying with the duty in subsection (3);
 - (e) provide for exceptions to the duties in subsections (2) and (3) in specified cases;
 - (f) provide for the Secretary of State or another prescribed person to issue guidance for the purposes of this section, to which trustees or managers must have regard in complying with their duties under the regulations.
- (5) In determining what provision to include in the regulations, the Secretary of State must have regard to any rules that are for the time being in force under section 137FB(1A) of the Financial Services and Markets Act 2000.
- (6) In this section—
- “relevant beneficiary”, in relation to a pension scheme, means—
 - (a) a member of the scheme, or
 - (b) another person of a prescribed description, who has a right or entitlement to flexible benefits under the scheme;
 - “flexible benefits” has the meaning given by section 74 of the Pension Schemes Act 2015;
 - “pensions guidance” means information or guidance provided by any person in pursuance of the requirements mentioned in section 5 of the Financial Guidance and Claims Act 2018 (information etc about flexible benefits under pension schemes).”
- (3) In section 115 (powers as respects failure to comply with information requirements), in subsection (1), after “113” insert “, 113B”.
- (4) In section 182(5) (power of Treasury to direct that regulation-making powers are exercisable only in conjunction with them), after “except” insert “regulations under section 113B or”.
- (5) In section 185(2) (consultations about other regulations: exceptions), after paragraph (c) insert—
- “(ca) regulations under section 113B; or”.
- (6) The Pension Schemes (Northern Ireland) Act 1993 is amended as set out in subsections (7) to (9).
- (7) After section 109A insert—

“109B Occupational pension schemes: requirements to refer members to guidance etc

- (1) The Department must make regulations requiring the trustees or managers of an occupational pension scheme to take the steps mentioned in subsections (2) and (3) in relation to an application from a relevant beneficiary—
- (a) to transfer any rights accrued under the scheme, or
 - (b) to start receiving benefits provided by the scheme.

- (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.
- (4) The regulations may –
 - (a) specify what constitutes appropriate pensions guidance;
 - (b) make further provision about how the trustees or managers must comply with the duties in subsections (2) and (3) (such as provision about methods of communication and time limits);
 - (c) 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);
 - (d) specify what the duties of the trustees or managers are in the situation where a beneficiary does not respond to a communication that is made for the purposes of complying with the duty in subsection (3);
 - (e) provide for exceptions to the duties in subsections (2) and (3) in specified cases;
 - (f) provide for the Department or another prescribed person to issue guidance for the purposes of this section, to which trustees or managers must have regard in complying with their duties under the regulations.
- (5) In determining what provision to include in the regulations, the Department must have regard to any rules that are for the time being in force under section 137FB(1A) of the Financial Services and Markets Act 2000.
- (6) In this section –
 - “relevant beneficiary”, in relation to a pension scheme, means –
 - (a) a member of the scheme, or
 - (b) another person of a prescribed description, who has a right or entitlement to flexible benefits under the scheme;
 - “flexible benefits” has the meaning given by section 74 of the Pension Schemes Act 2015;
 - “pensions guidance” means information or guidance provided by any person in pursuance of the requirements mentioned in section 5 of the Financial Guidance and Claims Act 2018 (information etc about flexible benefits under pension schemes).”
- (8) In section 111 (powers as respects failure to comply with information requirements), in subsection (1), after “109” insert “or 109B”.

- (9) In section 177(6) (power of Department of Finance to direct that regulation-making powers are exercisable only in conjunction with them), after “except” insert “regulations under section 109B or”.

Clause 20

- 9 Transpose Clause 20 to before Clause 23

After Clause 22

- 10 Insert the following new Clause –

“Unsolicited direct marketing: pensions

- (1) The Secretary of State may make regulations prohibiting unsolicited direct marketing relating to pensions.
- (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 and on OFCOM (including conferring a discretion);
 - (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 –
 - (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.
- (7) In this section, “OFCOM” means the Office of Communications established by section 1 of the Office of Communications Act 2002.”

- 11 Insert the following new 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.
- (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.”

Clause 23

- 12 Page 17, line 2, at end insert –
 “the “consumer protection function” has the meaning given in section 3(7);
 “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”
- 13 Page 17, line 7, at end insert –
 ““direct marketing” means the communication (by whatever means) of advertising or marketing material which is directed to particular individuals;”

Clause 24

- 14 Page 17, line 21, at end insert –
 “() In section 1H (interpretation provisions for FCA’s objectives) –
 (a) in subsection (2), at the end of paragraph (c) insert “or to engage in claims management activity”;
 (b) in subsection (8), at the appropriate place insert –
 ““engage in claims management activity” has the meaning given in section 21;”.”
- 15 Page 18, line 7, at end insert –
 “() In section 137R (financial promotion rules) –
 (a) in subsection (1), omit the “or” at the end of paragraph (a) and after that paragraph insert –
 “(aa) to engage in claims management activity, or”;
 (b) in subsection (6), for “has” substitute “and “engage in claims management activity” have”.”

Clause 26

16 Page 21, line 17, leave out “and 28” and insert “to (*PPI claims: interim restriction on charges imposed by legal practitioners after transfer of regulation to FCA*)”

17 Page 22, line 11, at end insert “, and

- (c) so far as relevant for the purposes of section (*PPI claims: interim restriction on charges imposed by legal practitioners after transfer of regulation to FCA*), to be read as referring to any service which is a relevant claims management activity (within the meaning given by subsection (5) of that section).”

After Clause 28

18 Insert the following new Clause –

“PPI claims: interim restriction on charges imposed by legal practitioners after transfer of regulation to FCA

- (1) A legal practitioner –
- (a) must not charge a claimant, for a service which is a relevant claims management activity provided in connection with the claimant’s PPI claim, an amount which exceeds the fee cap for the claim, and
 - (b) must not enter into an agreement that provides for the payment by a claimant, for a service which is a relevant claims management activity provided in connection with the claimant’s PPI claim, of charges which would breach, or are capable of breaching, the prohibition in paragraph (a).
- (2) Subsections (2) to (5) and (7) of section 27 apply for the purposes of the prohibitions in subsection (1) as they apply for the purposes of the prohibitions in section 27(1) but as if –
- (a) references in those subsections to “regulated claims management services” were references to “relevant claims management activity” and references to “regulated persons” were references to “legal practitioners”, and
 - (b) the first entry in columns 1 and 2 of the table in subsection (5) were omitted.
- (3) Subsection (1) applies as follows –
- (a) the prohibition in subsection (1)(a) applies only to charges imposed by a legal practitioner under an agreement entered into during the period –
 - (i) beginning with the first day of the second interim period (within the meaning given by section 28(6)), and
 - (ii) ending with the end date for that practitioner, and
 - (b) the prohibition in subsection (1)(b) applies only to agreements entered into by a legal practitioner during that period.
- (4) For the purposes of subsection (3), the end date is –
- (a) for a legal practitioner for whom the relevant regulator is the Law Society of England and Wales, the day before the coming into force of the first rule made by the Law Society of England and Wales under section (*Legal services regulators’ rules: charges for claims management services*) that applies to, or to any description of, PPI claims, and
 - (b) for any other legal practitioner, 29 April 2020.

- (5) In this section “relevant claims management activity” –
- (a) does not include any reserved legal activities of the kind mentioned in section 12(1)(a) or (b) of the Legal Services Act 2007 (exercise of a right of audience or the conduct of litigation), but
 - (b) otherwise, means activity of a kind specified in an order under section 22(1B) of the Financial Services and Markets Act 2000 (regulated activities: claims management services), disregarding any exemption in that order for activities carried on by, through, or at the direction of, a legal practitioner.”

19 Insert the following new Clause –

“Legal services regulators’ rules: charges for claims management services

- (1) The Law Society of England and Wales, the General Council of the Bar and the Chartered Institute of Legal Executives may make rules prohibiting regulated persons from –
- (a) entering into a specified relevant claims management agreement that provides for the payment by a person of specified charges, and
 - (b) imposing specified charges on a person in connection with the provision of a service which is, or which is provided in connection with, a specified relevant claims management activity.
- (2) The Law Society of England and Wales must exercise that power to make rules in relation to all relevant claims management agreements, and all relevant claims management activities, which concern claims in relation to financial products or services.
- (3) The Law Society of Scotland may make rules prohibiting regulated persons from –
- (a) entering into a relevant claims management agreement concerning a claim in relation to a financial product or service that provides for the payment by a person of specified charges, and
 - (b) imposing specified charges on a person in connection with the provision of a service which is, or which is provided in connection with, a relevant claims management activity concerning a claim in relation to a financial product or service.
- (4) Rules under this section may make provision securing that for the purposes of the prohibition referred to in subsection (1)(a) or (3)(a) charges payable under a relevant claims management agreement are to be treated as including charges payable under an agreement treated by the rules as being connected with the relevant claims management agreement.
- (5) In this section “regulated persons” means –
- (a) in relation to the Law Society of England and Wales –
 - (i) persons who, or licensable bodies which, are authorised by the Law Society to carry on a reserved legal activity,
 - (ii) European lawyers registered with the Law Society under the European Communities (Lawyer’s Practice) Regulations 2000 (S.I. 2000/1119), and
 - (iii) foreign lawyers registered with the Law Society under section 89 of the Courts and Legal Services Act 1990;
 - (b) in relation to the Law Society of Scotland, Scottish legal practitioners;

- (c) in relation to the General Council of the Bar—
 - (i) persons who, or licensable bodies which, are authorised by the General Council to carry on a reserved legal activity, and
 - (ii) European lawyers registered with the General Council under the European Communities (Lawyer’s Practice) Regulations 2000;
 - (d) in relation to the Chartered Institute of Legal Executives, persons authorised by the Institute to carry on a reserved legal activity.
- (6) The rules must be made with a view to securing an appropriate degree of protection against excessive charges for the provision of a service which is, or which is provided in connection with, a relevant claims management activity.
- (7) The rules may specify charges by reference to charges of a specified class or description, or by reference to charges which exceed, or are capable of exceeding, a specified amount.
- (8) The rules may not specify—
- (a) charges for a reserved legal activity within the meaning of the Legal Services Act 2007 (see section 12 of that Act);
 - (b) charges imposed in respect of—
 - (i) the exercise of a right of audience by a Scottish legal practitioner;
 - (ii) the conduct of litigation by a Scottish legal practitioner.
- (9) In subsection (8)(b)—
- “conduct of litigation” means—
- (a) the bringing of proceedings before any court in Scotland;
 - (b) the commencement, prosecution and defence of such proceedings;
 - (c) the performance of any ancillary functions in relation to such proceedings;
- “right of audience” means the right to appear before and address a court in Scotland, including the right to call and examine witnesses.
- (10) In relation to an agreement entered into, or charge imposed, in contravention of the rules, the rules may (amongst other things)—
- (a) provide for the agreement, or obligation to pay the charge, to be unenforceable or unenforceable to a specified extent;
 - (b) provide for the recovery of amounts paid under the agreement or obligation;
 - (c) provide for the payment of compensation for any losses incurred as a result of paying amounts under the agreement or obligation.
- (11) For the purposes of this section—
- “relevant claims management activity” means activity of a kind specified in an order under section 22(1B) of the Financial Services and Markets Act 2000 (regulated activities: claims management services), disregarding any exemption in that order for activities carried on by, through, or at the direction of, a legal practitioner;
- “relevant claims management agreement” means an agreement, the entering into or performance of which by either party is a relevant claims management activity;

“Scottish legal practitioner” means –

- (a) a person qualified to practise as a solicitor in accordance with section 4 of the Solicitors (Scotland) Act 1980;
- (b) European lawyers registered with the Law Society of Scotland under the European Communities (Lawyer’s Practice) (Scotland) Regulations 2000 (S.S.I. 2000/121);
- (c) foreign lawyers registered with the Law Society of Scotland under section 60A of the Solicitors (Scotland) Act 1980;
- (d) an incorporated practice within the meaning given by section 34(1A)(c) of the Solicitors (Scotland) Act 1980;
- (e) a licensed legal services provider within the meaning of Part 2 of the Legal Services (Scotland) Act 2010 (see section 47 of that Act) that provides, or offers to provide, legal services under a licence issued by the Law Society of Scotland;

“specified” means specified in the rules, but “specified amount” means an amount specified in or determined in accordance with the rules.

- (12) This section does not limit any power of the Law Society of England and Wales, the Law Society of Scotland, the General Council of the Bar or the Chartered Institute of Legal Executives existing apart from this section to make rules.”

20 Insert the following new Clause –

“Extension of power of the Law Society of Scotland to make rules

- (1) The Treasury may by regulations amend section (*Legal services regulators’ rules: charges for claims management services*) for the purpose of extending the power in subsection (3) of that section so as to apply to –
 - (a) all relevant claims management agreements;
 - (b) all relevant claims management activity;
 - (c) any description of relevant claims management agreement;
 - (d) any description of relevant claims management activity.
- (2) The Treasury must obtain the consent of the Scottish Ministers before making regulations under subsection (1).
- (3) Regulations under this section –
 - (a) are to be made by statutory instrument;
 - (b) may make incidental, supplemental or consequential provision.
- (4) 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.”

21 Insert the following new Clause –

“Cold calling about claims management services

- (1) The Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426) are amended as follows.
- (2) In regulation 21 (calls for direct marketing purposes), after paragraph (5) insert –
 - “(6) Paragraph (1) does not apply to a case falling within regulation 21A.”

(3) After regulation 21 insert—

“21A Calls for direct marketing of claims management services

- (1) A person must not use, or instigate the use of, a public electronic communications service to make unsolicited calls for the purposes of direct marketing in relation to claims management services except in the circumstances referred to in paragraph (2).
- (2) Those circumstances are where the called line is that of a subscriber who has previously notified the caller that for the time being the subscriber consents to such calls being made by, or at the instigation of, the caller on that line.
- (3) A subscriber must not permit the subscriber’s line to be used in contravention of paragraph (1).
- (4) In this regulation, “claims management services” means the following services in relation to the making of a claim—
 - (a) advice;
 - (b) financial services or assistance;
 - (c) acting on behalf of, or representing, a person;
 - (d) the referral or introduction of one person to another;
 - (e) the making of inquiries.
- (5) In paragraph (4), “claim” means a claim for compensation, restitution, repayment or any other remedy or relief in respect of loss or damage or in respect of an obligation, whether the claim is made or could be made—
 - (a) by way of legal proceedings,
 - (b) in accordance with a scheme of regulation (whether voluntary or compulsory), or
 - (c) in pursuance of a voluntary undertaking.”
- (4) In regulation 24 (information to be provided for the purposes of regulations 19 to 21)—
 - (a) in the heading, for “, 20 and 21” substitute “to 21A”;
 - (b) in paragraph (1)(b), after “21” insert “or 21A”.

Clause 29

22 Page 25, line 32, leave out from beginning to “extends” and insert “Part 1, other than the provisions mentioned in subsections (2) to (3B),”

23 Page 25, line 37, at end insert—

“(3A) In section (*Occupational pension schemes: requirements to refer members to guidance etc*)—

- (a) subsections (1) to (5) extend to England and Wales and Scotland;
- (b) subsections (6) to (9) extend to Northern Ireland.

(3B) Paragraph 25 of Schedule 3 extends to England and Wales and Scotland.”

24 Page 25, line 38, leave out subsections (4) and (5) and insert—

“(4) Part 2, other than the provisions mentioned in subsections (5) and (5A), extends to England and Wales and Scotland.

- (5) The following provisions extend to England and Wales –
 - (a) section 24(12) and Schedule 4;
 - (b) section 27;
 - (c) section (*PPI claims: interim restriction on charges imposed by legal practitioners after transfer of regulation to FCA*).

(5A) Section (*Cold calling about claims management services*) extends to England and Wales, Scotland and Northern Ireland.”

25 Page 25, line 42, leave out subsection (6) and insert –

“() This Part extends to England and Wales, Scotland and Northern Ireland.”

Clause 30

26 Page 26, line 5, at end insert –

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

27 Page 26, line 13, at end insert –

“(1A) Subsections (6) to (9) of section (*Occupational pension schemes: requirements to refer members to guidance etc*) come into force on a day appointed by order made by the Department for Communities in Northern Ireland.

(1B) An order under subsection (1A) may make –

- (a) transitional, transitory and saving provision in connection with the coming into force of any provision in section (*Occupational pension schemes: requirements to refer members to guidance etc*)(6) to (9);
 - (b) incidental and supplementary provision, and
 - (c) different provision for different purposes,
- and the power to make such an order is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).”

28 Page 26, line 14, after “Sections” insert “(*Unsolicited direct marketing: other consumer financial products etc*) and”

29 Page 26, line 14, leave out “28” and insert “(*PPI claims: interim restriction on charges imposed by legal practitioners after transfer of regulation to FCA*)”

30 Page 26, line 21, at end insert “except section (*Occupational pension schemes: requirements to refer members to guidance etc*)(6) to (9)”

31 Page 26, line 29, at end insert “, and

(ii) section (*Cold calling about claims management services*)”

32 Page 26, line 31, at end insert “, other than section (*Cold calling about claims management services*)”

33 Page 26, line 31, at end insert –

“() The Treasury must obtain the consent of the Lord Chancellor before making regulations under subsection (3) or (5) in relation to section (*Legal services regulators’ rules: charges for claims management services*).”

Clause 31

34 Page 26, line 34, leave out subsection (2)

Schedule 2

35 Page 32, line 3, at end insert “and the devolved authorities.”

Schedule 3

36 Page 34, line 22, leave out paragraph 13

Schedule 4

37 Page 37, line 23, at end insert –
 ““the data protection legislation” has the same meaning as in the Data
 Protection Act 2018 (see section 3 of that Act);”

38 Page 39, line 34, leave out “Data Protection Act 1998” and insert “data protection
 legislation”

Schedule 5

39 Page 41, line 13, leave out from “to” to end of line 15 and insert “a person falling
 within paragraph 1A,”

40 Page 41, line 23, leave out from “a” to end of line 24 and insert “person falling
 within paragraph 1B.”

41 Page 41, line 24, at end insert –

 “1A A person falls within this paragraph if the person –

- (a) is or at any time was authorised under section 5(1)(a) of the
 Compensation Act 2006 (provision of regulated claims
 management services), or
- (b) is, or at any time was, providing services in Scotland which the
 person would be, or would have been, prohibited from
 providing in England and Wales by section 4(1) of the
 Compensation Act 2006 unless authorised under section 5(1)(a)
 of that Act.

 1B A person falls within this paragraph if the person –

- (a) is authorised under section 5(1)(a) of the Compensation Act 2006
 (provision of regulated claims management services), or
- (b) is providing services in Scotland which the person would be
 prohibited from providing in England and Wales by section 4(1)
 of the Compensation Act 2006 unless authorised under section
 5(1)(a) of that Act.”

In the Title

42 Line 2, leave out “cold-calling and”

43 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;”

Financial Guidance and Claims Bill [HL]

COMMONS AMENDMENTS

24 April 2018

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