



# Financial Guidance and Claims Act 2018

## CHAPTER 10

### FINANCIAL GUIDANCE AND CLAIMS ACT 2018

#### PART 1

##### FINANCIAL GUIDANCE ETC

###### *Establishment of the single financial guidance body*

- 1 The single financial guidance body

###### *Objectives and functions of the single financial guidance body*

- 2 Objectives
- 3 Functions
- 4 Specific requirements as to the pensions guidance function
- 4A Specific functions included in the pensions guidance function
- 5 Delegation of functions to delivery partner organisations
- 6 Debt respite scheme: advice to the Secretary of State
- 7 Debt respite scheme: regulations
- 8 Guidance and directions from the Secretary of State

###### *Standards set by the single financial guidance body*

- 9 Setting standards
- 10 Monitoring and enforcement of standards

###### *Funding of the single financial guidance body*

- 11 Financial assistance from the Secretary of State
- 12 Levies under Pension Schemes Act 1993 and Pension Schemes (NI) Act 1993
- 13 Levy under FSMA 2000 for expenses of single financial guidance body

*Changes to legislation: There are currently no known outstanding effects for the Financial Guidance and Claims Act 2018. (See end of Document for details)*

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*Funding of debt advice in Scotland, Wales and Northern Ireland*

- 14 Levy under FSMA 2000 for debt advice expenses of devolved authorities

*Offence of impersonating the single financial guidance body*

- 15 False claims about provision of information etc  
16 Offences under section 15 committed by bodies corporate etc

*Information exchange*

- 17 Disclosure of information

*Rules etc about financial guidance*

- 18 Personal pension schemes: requirements to refer members to guidance etc  
19 Occupational pension schemes: requirements to refer members to guidance etc  
20 FCA general rules: information about the availability of guidance

*Unsolicited direct marketing approaches*

- 21 Unsolicited direct marketing: pensions  
22 Unsolicited direct marketing: other consumer financial products etc

*Miscellaneous*

- 23 Power to dissolve the single financial guidance body  
24 Regulations dissolving the new single financial guidance body: procedure  
25 Minor and consequential amendments  
26 Interpretation of Part 1

**PART 2**

CLAIMS MANAGEMENT SERVICES

*Transfer of regulation of claims management services to FCA*

- 27 Transfer to FCA of regulation of claims management services

*Charges for claims management services*

- 28 Power of FCA to make rules restricting charges for claims management services  
29 PPI claims and charges for claims management services: general  
30 PPI claims: interim restriction on charges before transfer of regulation to FCA  
31 PPI claims: interim restriction on charges imposed by authorised persons after transfer of regulation to FCA  
32 PPI claims: interim restriction on charges imposed by legal practitioners after transfer of regulation to FCA  
33 Legal services regulators' rules: charges for claims management services  
34 Extension of power of the Law Society of Scotland to make rules

*Cold calling about claims management services*

35 Cold calling about claims management services

**PART 3**

GENERAL

36 Extent

37 Commencement

38 Short title

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SCHEDULES

SCHEDULE 1 — THE SINGLE FINANCIAL GUIDANCE BODY

*Status*

1 (1) The single financial guidance body is not to be...

*Members: general*

2 (1) The single financial guidance body is to consist of—...

*Non-executive members: tenure*

3 (1) The non-executive members hold and vacate office in accordance...

*Non-executive members: conflicts of interest*

4 (1) Before appointing a person to be a non-executive member,...

*Non-executive members: remuneration etc*

5 (1) The single financial guidance body may—

*Executive members: appointment*

6 (1) Before the date on which the single financial guidance...

*Executive members: terms and conditions*

7 (1) The executive members are to be employees of the...

*Other staff: appointment, terms and conditions*

8 The single financial guidance body may appoint other employees on...

*Committees*

9 (1) The single financial guidance body may—

*Delegation*

10 (1) The single financial guidance body may delegate any function...

*Procedure etc*

11 (1) The single financial guidance body may regulate its own...

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*Validity of acts*

- 12 A defect in appointment does not affect the validity of...

*Authentication of seal*

- 13 (1) The application of the single financial guidance body's seal...

*Reports and accounts*

- 14 (1) As soon as reasonably practicable after the end of...

SCHEDULE 2 — TRANSFER SCHEMES UNDER SECTION 1

*Power to make transfer schemes*

- 1 (1) The Secretary of State may make one or more...

*Contents of a scheme*

- 2 (1) A scheme under this Schedule may, in particular, make...

*Modifications to a scheme*

- 3 (1) The Secretary of State may modify a scheme made...

*Supplementary*

- 4 A scheme may— (a) contain incidental, supplementary and consequential provisions;...

SCHEDULE 3 — MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 1

*Public Records Act 1958 (c. 51)*

- 1 In Schedule 1 to the Public Records Act 1958 (definition...

*Parliamentary Commissioner Act 1967 (c. 13)*

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

*House of Commons Disqualification Act 1975 (c. 24)*

- 3 In Part 2 of Schedule 1 to the House of...

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 4 In Part 2 of Schedule 1 to the Northern Ireland...

*Financial Services and Markets Act 2000 (c. 8)*

- 5 The Financial Services and Markets Act 2000 is amended as...  
6 In section 1A(6) (functions of the FCA), after paragraph (c)...  
7 In section 1B (FCA's general duties), omit subsection (7A).  
8 In section 1C (the consumer protection objective), in subsection (2),...  
9 In section 1M (FCA's general duty to consult), omit the...  
10 In section 1S (reviews), in subsection (3) omit the words...

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- 11 In section 3R (arrangements for provision of services), in subsection...
- 12 Omit section 3S (the consumer financial education body).
- 13 In section 138F (notification of rules), in subsection (2) (exceptions...
- 14 (1) Section 138I (consultation on rules by FCA) is amended...
- 15 In section 138J (consultation on rules by PRA), in subsection...
- 16 In section 139A (power of FCA to give guidance), omit...
- 17 In section 140A (competition scrutiny: interpretation), in subsection (1),  
in...
- 18 In section 168 (appointment of persons to carry out investigations),...
- 19 Omit Part 20A (sections 333A to 333R; pensions guidance).
- 20 In section 429 (Parliamentary control of statutory instruments), in  
subsection...
- 21 (1) Schedule 1ZA (the Financial Conduct Authority) is amended as...
- 22 Omit Schedule 1A (further provision about the consumer financial  
education...

*Freedom of Information Act 2000 (c. 36)*

- 23 In Part 6 of Schedule 1 to the Freedom of...

*Equality Act 2010 (c. 15)*

- 24 In Part 1 of Schedule 19 to the Equality Act...

*Financial Services Act 2010 (c. 28)*

- 25 The Financial Services Act 2010 is amended as follows.
- 26 In section 2 (enhancing public understanding of financial matters etc),...
- 27 Omit Schedule 1 (further provision about the consumer financial  
education...

*Financial Services Act 2012 (c. 21)*

- 28 The Financial Services Act 2012 is amended as follows.
- 29 Omit section 45 and Schedule 15 (the consumer financial education...
- 30 In section 85 (relevant functions in relation to complaints scheme)—...

*Pension Schemes Act 2015 (c. 8)*

- 31 In Schedule 3 to the Pension Schemes Act 2015 (pensions...

*Bank of England and Financial Services Act 2016 (c. 14)*

- 32 In the Bank of England and Financial Services Act 2016,...

SCHEDULE 4 — REGULATION OF CLAIMS MANAGEMENT SERVICES:  
TRANSFER SCHEMES

PART 1 — APPLICATION AND INTERPRETATION

- 1 This Schedule applies if the Treasury make an order under...
- 2 In this Schedule— “the data protection legislation” has the same...

PART 2 — TRANSFER OF PROPERTY AND STAFF FROM THE  
REGULATOR TO THE FCA

*Power of Secretary of State to make transfer schemes*

- 3 The Secretary of State may, with the consent of the...

*Changes to legislation:* There are currently no known outstanding effects for the Financial Guidance and Claims Act 2018. (See end of Document for details)

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*Transfer of property, rights and liabilities*

- 4 The following provisions of this Part of this Schedule apply...  
 5 The property, rights and liabilities which are the subject of...  
 6 The property, rights and liabilities that may be the subject...  
 7 For the purpose of paragraph 6(b)— (a) an individual who...

*Contents of a transfer scheme*

- 8 (1) A transfer scheme may— (a) provide for anything done...

*Supplementary*

- 9 A transfer scheme may— (a) contain supplementary, incidental and consequential...

*Modification of a transfer scheme*

- 10 Subject to paragraph 11, the Secretary of State may, with...  
 11 A modification relating to a transfer that has taken effect...  
 12 A modification takes effect from such date as the Secretary...  
 PART 3 — TRANSFER OF PROPERTY AND STAFF FROM THE OLC  
 TO THE FOS

*Power of OLC to make transfer schemes*

- 13 The OLC may make one or more schemes for the...  
 14 A scheme made under paragraph 13 is not to be...  
 15 The OLC may not submit a scheme to the Treasury...

*Power of Lord Chancellor to make transfer schemes*

- 16 Paragraph 17 applies if the OLC fails to make a...  
 17 The Lord Chancellor may, with the approval of the Treasury,...

*Provision of information and assistance by OLC*

- 18 The OLC must provide the Treasury and the Lord Chancellor...  
 19 Paragraph 18 is subject to any express restriction on disclosure...

*Transfer of property, rights and liabilities*

- 20 The following provisions of this Part of this Schedule apply...  
 21 The property, rights and liabilities which are the subject of...  
 22 The property, rights and liabilities that may be the subject...

*Contents of a transfer scheme*

- 23 (1) A transfer scheme may— (a) provide for anything done...

*Supplementary*

- 24 A transfer scheme may— (a) contain supplementary, incidental and consequential...

*Modification of a transfer scheme*

- 25 Subject to paragraphs 26 to 28, the OLC may modify...

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- 26 A modification relating to a transfer that has taken effect...
- 27 A modification is not to be capable of coming into...
- 28 The OLC may not submit a scheme to the Treasury...
- 29 A modification takes effect from such date as the OLC...

#### SCHEDULE 5 — REGULATION OF CLAIMS MANAGEMENT SERVICES: TRANSITIONAL PROVISION

##### *FCA information gathering powers*

- 1 Part 11 of the Financial Services and Markets Act 2000...
- 2 A person falls within this paragraph if the person—
- 3 A person falls within this paragraph if the person—

##### *FCA preparatory steps*

- 4 The FCA may, before the making of a regulated claims...

##### *Consultation requirements*

- 5 Paragraphs 6 and 7 apply in connection with the making...
- 6 Any requirement imposed on the FCA— (a) to publish a...
- 7 Section 138I of the Financial Services and Markets Act 2000...

##### *Designation of Regulator's rules*

- 8 After the making of a regulated claims management activity order,...
- 9 The rules may be modified by the FCA.

##### *Provision of information by Regulator and OLC*

- 10 The Regulator may disclose to the FCA or the FOS...
- 11 Section 244 of the Enterprise Act 2002 (considerations relevant to...
- 12 The OLC may disclose to the FOS or the FCA...

##### *Complaints handling*

- 13 Where a regulated claims management activity order is made which...

##### *Interpretation*

- 14 In this Schedule— “the FCA” means the Financial Conduct Authority;...

**Changes to legislation:**

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