

**WRITTEN SUBMISSION TO HOUSE IN RESPECT OF AMENDMENTS Analysis on the application of Standing Order No. 83L of the Standing Orders of the House of Commons relating to Public Business in respect of Government amendments tabled for Report stage of the Financial Guidance and Claims Bill.**

**Commons Report Stage**

1. The following is the Department's assessment of amendments to the Bill made at Commons Report Stage (should they be accepted).
2. On 17 January 2018 clause 27 of, and Schedule 4 to, the Bill were certified by the Speaker as relating exclusively to England and Wales and falling within devolved competence as defined in standing order 83J.
3. A further written submission was provided in respect of amendments tabled at Commons Committee stage on 6 February.

**Summary and Territorial Extent**

3. The Government amendments made at Report Stage apply as follows:

**FINANCIAL GUIDANCE AND CLAIMS BILL**

4. The Government amendments tabled for Report Stage fall into two groups: cold calling (new clauses 3 & 4 and amendments 10, 11, 12, 25, 26, 27, 28 & 29), and pensions guidance (amendments 13 to 24).

**Cold calling**

- (i) New Clause 3 (Unsolicited direct marketing: pensions) inserts a new power for the Secretary of State to make regulations banning unsolicited direct marketing relating to pensions. It also provides that if this power is not exercised by June 2018, the Secretary of State must explain to Parliament why there has been a delay. New Clause 1 has UK wide extent;
- (ii) New Clause 4 (Unsolicited direct marketing: other consumer financial products etc) gives the Secretary of State the power to make regulations banning unsolicited direct marketing in relation to consumer financial products and services other than pensions. New Clause 4 has UK wide extent;
- (iii) Amendment 10 amends Clause 3 which have UK wide extent;
- (iv) Amendment 11 removes Clause 4 from the Bill;
- (v) Amendment 12 amends Clause 18 and is consequential on amendment 10. Clause 18 has UK wide extent;
- (vi) Amendments 25 & 26 amend Clause 25 in respect of definitions. Clause 25 has UK wide extent.
- (vii) Amendment 27 amends Clause 36. This Clause has UK wide extent.

(viii) Amendments 28 & 29 amend the long title of the Bill.

**The above amendments extend and apply to England, Wales, Scotland and Northern Ireland.**

### **Pensions Guidance**

(ix) Amendments 13 to 16 make changes to Clause 19. Clause 19 has UK wide extent and amends section 137FB of the Financial Services and Markets Act 2000, which also has UK wide extent;

(x) Amendments 17 to 24 make changes to Clause 20(2) and (6). Clause 20(1) to (5) extend to England, Wales and Scotland and Clause 20(2) inserts a new section 113B into the Pension Schemes Act 1993, which also extends to England, Wales and Scotland. Clause 20(6) to (9) extend to Northern Ireland and Clause 20(7) inserts a new section 109B into the Pension Schemes (Northern Ireland) Act 1993, which also extends to Northern Ireland.

**Amendments 13 to 16 extend and apply to England, Wales, Scotland and Northern Ireland.**

**Amendments 17 to 20 extend and apply to England, Wales and Scotland.**

**Amendments 21 to 24 extend and apply to Northern Ireland.**

Annex A - Territorial extent and application in the United Kingdom <b>Provision</b>	<b>Extends to E &amp; W and applies to England ?</b>	<b>Extends to E &amp; W and applies to Wales?</b>	<b>Extends and applies to Scotland?</b>	<b>Extends and applies to Northern Ireland?</b>	<b>Would corresponding provision be within the competence of the National Assembly for Wales?</b>	<b>Would corresponding provision be within the competence of the Scottish Parliament?</b>	<b>Would corresponding provision be within the competence of the Northern Ireland Assembly?</b>	<b>Legislative Consent Motion needed?</b>
<b>1 The Single Financial Guidance Body</b>								
Clause 1	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 2	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 3	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Amendment 10 (Clause 3)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 4	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Amendment 11 (removes Clause 4)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Clause 5	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI)
Clause 6	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clauses 7 and 8	Yes	Yes	No	Yes	N/A	N/A	N/A	Yes (W & NI)
Clauses 9 to 12	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 13	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI)
Clauses 14 and 15	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI, W & S)
Clauses 16 and 17	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI & S)
Clause 18	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI, W & S)
Amendment 12 (Clause 18)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI, W & S)
Clause 19	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI)
Amendments 13-16 (Clause 19)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI)
Clause 20	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (NI)

Amendments 17-20 (Clause 20)	Yes	Yes	Yes	No	N/A	N/A	N/A	No
Amendments 21-24 (Clause 20)	No	No	No	Yes	N/A	N/A	N/A	Yes (NI)
Clause 21	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 22	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clauses 23 and 24	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 25	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Amendments 25 & 26	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
New Clause 3 (Unsolicited direct marketing: pensions)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
New Clause 4 (Unsolicited direct marketing: other consumer financial products etc)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 1	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 2	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 3	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
<b>2 Claims Management Services</b>								
Clause 26	Yes	Yes	Yes	No	N/A	N/A	N/A	Yes (S)
Clause 27	Yes	Yes	Yes	No	N/A	N/A	N/A	No
Clause 28	Yes	Yes	Yes	No	N/A	N/A	N/A	No
Clause 29	Yes	Yes	No	No	No	No	Yes	No
Clause 30	Yes	Yes	Yes	No	N/A	N/A	N/A	No
Clause 31	Yes	Yes	No	No	No	No	Yes	No
Clause 32	Yes	Yes	Yes	No	N/A	N/A	N/A	No
Clause 33	Yes	Yes	Yes	No	N/A	N/A	N/A	No
Clause 34	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 4	Yes	Yes	No	No	No	No	Yes	No
Schedule 5	Yes	Yes	Yes	No	N/A	N/A	N/A	No

## Minor or consequential effects<sup>1</sup>

In the view of the UK Government, there are no minor or consequential effect outside England, or England and Wales relating to the amendments made at Commons Report stage.

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<sup>1</sup> References in this Annex to an effect of a provision being minor or consequential are to its being minor or consequential for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

