

**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.
4. A further written submission was provided in respect of amendments tabled for Commons Report stage. On 7 March the Speaker provisionally certified that Clauses 29 and 31 of, and Schedule 4 to, the Bill related exclusively to England and Wales and were within devolved legislative competence, as defined in Standing Order No. 83J.

**Summary and Territorial Extent**

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

**FINANCIAL GUIDANCE AND CLAIMS BILL**

6. The further Government amendments tabled for Report Stage fall into two groups: cold calling (New Clause 9 & amendments 45 & 46), and changes in relation to references to the Data Protection Act and the definition of 'data protection legislation' (amendments 43, 44, 47 & 48).

**Cold calling**

- (i) New Clause 9 (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. It replaces the previous new clause already tabled (New Clause 3) in order to change the reference to the Data Protection Act 1998 in subsection (2)(d) to reflect changes to data protection legislation that are to be made by the Data Protection Bill. New Clause 9 has UK wide extent and application;
- (ii) Amendment 45 amends Clause 36. This Clause has UK wide extent and application and the amendments do not change this; and
- (iii) Amendment 46 amends Clause 36 which has UK wide extent and application and the amendments do not change this.

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

## **Data Protection Legislation**

- (iv) Amendment 43 makes changes to Clause 18. This, and subsequent amendments 44, 47 & 48, change references to the Data Protection Act 1998 to reflect changes to data protection legislation that are to be made by the Data Protection Bill. Clause 18 has UK wide extent and the amendment does not change the extent or application of the Clause;
- (v) Amendment 44 amends Clause 25. Clause 25 has UK wide extent and the amendment does not change the extent or application of this Clause;
- (vi) Amendment 47 amends Schedule 4 which extends to England and Wales. The amendment inserts a definition of 'data protection legislation' and does not change the extent or application of this Schedule; and
- (vii) Amendment 48 also amends Schedule 4. The amendment changes the reference to the Data Protection Act 1998 to a reference to 'data protection legislation' and does not change the extent or application of this Schedule.

**Amendments 43 & 44 extend and apply to England, Wales, Scotland and Northern Ireland.**

**Amendments 47 & 48 only extend and apply to England & Wales.**

### **Subject matter and legislative competence of devolved legislatures**

7. Schedule 4 of the Bill relates to the regulation of claims management services. Amendments 47 & 48 are technical in nature relating to 'date protection legislation'. They do not change the extent or application of the Schedule, and it is the government's view that the regulation of claims management services is a transferred matter under the Northern Ireland Act 1998 (it not being either an excepted matter under Schedule 2 to that Act or a reserved matter under Schedule 3 to that Act).

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
Clause 4	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
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)
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)
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
New Clause 9 (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
Clause 35	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 36	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.

<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.