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STATUTORY INSTRUMENTS

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**2018 No. 1253**

**The Financial Services and Markets Act 2000  
(Claims Management Activity) Order 2018**

**PART 5**

Miscellaneous

**Legal professional privilege**

**87.**—(1) The FCA is entitled to claim legal professional privilege or, in Scotland, confidentiality of communications in respect of legally privileged information disclosed to the FCA by the Regulator under paragraph (4).

(2) The FOS is entitled to claim legal professional privilege or, in Scotland, confidentiality of communications in respect of legally privileged information disclosed to the FOS by the OLC under paragraph (4).

(3) In this article, “legally privileged information” means information received or generated by the Regulator or the OLC before 1st April 2019, in respect of which the Regulator or the OLC would have been able, before that date, to maintain a claim for legal professional privilege or confidentiality of communications in legal proceedings.

(4) For the purposes of this article legally privileged information is disclosed where—

(a) it is transferred to the FCA by the Regulator—

(i) under a transfer scheme made under paragraph 3 of Schedule 4 to the 2018 Act (Regulation of Claims Management Services: Transfer Schemes); or

(ii) otherwise in connection with functions of the FCA becoming exercisable in respect of an activity which—

(aa) ceases on 1st April 2019 to be an activity in respect of which an authorisation under section 4(1)(a) of the 2006 Act (provision of regulated claims management services) is required or would be required but for the exemption or waiver conferred by subsections (1)(b) or (c) of that section; and

(bb) becomes on that date a regulated activity for the purposes of the 2000 Act.

(b) it is transferred to the FOS by the OLC—

(i) under a transfer scheme made under paragraph 13 of Schedule 4 to the 2018 Act; or

(ii) otherwise in connection with functions of the FOS becoming exercisable in respect of an activity which—

(aa) ceases on 1st April 2019 to be an activity in respect of which an authorisation under section 4(1)(a) of the 2006 Act (provision of regulated claims management services) is required or would be required but for the exemption or waiver conferred by subsections (1)(b) or (c) of that section; and

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(bb) becomes on that date a regulated activity for the purposes of the 2000 Act.