

Draft Regulations laid before Parliament under section 15(10) of the Compensation Act 2006 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2015 No.

**CONSUMER PROTECTION,
ENGLAND AND WALES**

**The Compensation (Claims Management
Services) (Amendment) Regulations 2015**

Made - - - - *****
Coming into force - - *28th January 2015*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 9(1) and 15(1) of, and the Schedule to, the Compensation Act 2006(2).

A draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament in accordance with section 15(10) of that Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Compensation (Claims Management Services) (Amendment) Regulations 2015 and come into force on 28th January 2015.

(2) In these Regulations “the 2006 Regulations” means the Compensation (Claims Management Services) Regulations 2006(3).

Amendments to the 2006 Regulations

2.—(1) The 2006 Regulations are amended as follows.

(2) In regulation 3 (definitions)—

(a) after the definition of “code of practice” insert—

““ombudsman” means the Chief Ombudsman or an assistant ombudsman appointed under section 122 of the 2007 Act;”;

(1) Section 161(3) of the Legal Services Act 2007 (“the 2007 Act”) provides that section 9 of, and the Schedule to, the Compensation Act 2006 are subject to any requirements imposed by Part 6 of the 2007 Act in relation to the regulatory arrangements of the Claims Management Regulator.

(2) 2006 c. 29.

(3) S.I. 2006/3322, to which there are amendments not relevant to these Regulations.

- (b) after the definition of “the Act”, insert—
““the 2007 Act” means the Legal Services Act 2007(4).”.”
- (3) In regulation 12(5) (conditions of authorisation)—
 - (a) omit sub-paragraph (h);
 - (b) in sub-paragraph (i), for “regulation 29(1) or 29(3)” substitute “regulation 29”.
- (4) Omit regulation 27 (redress).
- (5) In the heading of Part 7 before regulation 28, for “Complaints” substitute “Information and Directions”.
- (6) Omit regulation 28 (review by the Regulator of complaint handling).
- (7) Before regulation 29 (directions of the Regulator about complaints handling and related matters) insert—

“Power to share information

- 28A.**—(1) Without prejudice to any other power to disclose information, the Regulator must disclose to a person listed in paragraph (2) any information for which such a person makes a written request, if the Regulator is satisfied that the information is reasonably required by that person in order to discharge that person’s functions under Part 6 of the 2007 Act.
- (2) The persons referred to in paragraph (1) are—
 - (a) the Office for Legal Complaints(5);
 - (b) an ombudsman;
 - (c) a member of the staff of the Office for Legal Complaints appointed under paragraph 13 of Schedule 15 to the 2007 Act.”.
 - (8) In regulation 29—
 - (a) for sub-paragraph (1)(a), substitute—
 - “(a) an authorised person has breached a condition of authorisation under regulation 12; or”;
 - (b) omit paragraph (2);
 - (c) in paragraph (3), omit “also”;
 - (d) after paragraph (3), insert—
 - “(3A) A direction under paragraph (3) must not direct the authorised person to make redress to a person in respect of acts or omissions of authorised persons.”;
 - (e) in paragraph (4), omit “(2) or”.

(4) 2007 c. 29.

(5) The Office for Legal Complaints was set up by section 114 of the 2007 Act. Part 6 of the Act is about the complaints scheme administered by it.

Signed by authority of the Secretary of State

Date

Name
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of the commencement of section 161 of the Legal Services Act 2007 (c. 29) (“the 2007 Act”), which confers responsibility on the Legal Ombudsman for considering service complaints about companies regulated by the Claims Management Services Regulator under Part 2 of the Compensation Act 2006 (c. 29) (“the 2006 Act”). By virtue of section 5(9) of the 2006 Act the Secretary of State exercises the functions of the Claims Management Services Regulator (“the Regulator”).

These regulations amend the Compensation (Claims Management Services) Regulations 2006 (S.I. 2006/3322) (“the 2006 Regulations”) to ensure that those regulations are compatible with the legislative requirements imposed by Part 6 of the 2007 Act in relation to the ombudsman scheme provided for by that Part.

Regulation 2 of these Regulations omits regulations 27 and 28 of the 2006 Regulations which deal with redress and complaint handling, as that will now be dealt with in accordance with the ombudsman scheme, and amends regulation 29 to make it clear that in giving directions about future complaints the Regulator must not direct an authorised person to make redress. Regulation 2 also inserts a new provision into the 2006 Regulations requiring the Regulator to share information with the Legal Ombudsman, its board and staff where this is necessary in order for the discharge of their functions under the 2007 Act.

An impact assessment has not been prepared for this instrument as no impact on the private or voluntary sector is foreseen.