



# Financial Guidance and Claims Act 2018

## 2018 CHAPTER 10

### PART 2

#### CLAIMS MANAGEMENT SERVICES

##### *Cold calling about claims management services*

#### **35 Cold calling about claims management services**

- (1) The Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426) are amended as follows.
- (2) In regulation 21 (calls for direct marketing purposes), after paragraph (5) insert—
  - “(6) Paragraph (1) does not apply to a case falling within regulation 21A.”
- (3) After regulation 21 insert—

##### **“21A Calls for direct marketing of claims management services**

- (1) A person must not use, or instigate the use of, a public electronic communications service to make unsolicited calls for the purposes of direct marketing in relation to claims management services except in the circumstances referred to in paragraph (2).
- (2) Those circumstances are where the called line is that of a subscriber who has previously notified the caller that for the time being the subscriber consents to such calls being made by, or at the instigation of, the caller on that line.
- (3) A subscriber must not permit the subscriber's line to be used in contravention of paragraph (1).
- (4) In this regulation, “claims management services” means the following services in relation to the making of a claim—
  - (a) advice;

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**Changes to legislation:** There are currently no known outstanding effects for the Financial Guidance and Claims Act 2018, Cross Heading: Cold calling about claims management services. (See end of Document for details)

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- (b) financial services or assistance;
  - (c) acting on behalf of, or representing, a person;
  - (d) the referral or introduction of one person to another;
  - (e) the making of inquiries.
- (5) In paragraph (4), “claim” means a claim for compensation, restitution, repayment or any other remedy or relief in respect of loss or damage or in respect of an obligation, whether the claim is made or could be made—
- (a) by way of legal proceedings,
  - (b) in accordance with a scheme of regulation (whether voluntary or compulsory), or
  - (c) in pursuance of a voluntary undertaking.”
- (4) In regulation 24 (information to be provided for the purposes of regulations 19 to 21)—
- (a) in the heading, for “, 20 and 21” substitute “ to 21A ”;
  - (b) in paragraph (1)(b), after “21” insert “ or 21A ”.

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**Commencement Information**

**II** S. 35 in force at 8.9.2018 by [S.I. 2018/987](#), **reg. 3** (with [reg. 4](#))

**Changes to legislation:**

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