

2018 No. 987 (C. 75)

ELECTRONIC COMMUNICATIONS

**The Financial Guidance and Claims Act 2018 (Commencement
No. 1 and Transitional Provision) Regulations 2018**

Made - - - - *6th September 2018*

The Secretary of State, in exercise of the powers conferred by section 37(5), (7) and (9) of the Financial Guidance and Claims Act 2018(a) makes the following Regulations:

Citation

1. These Regulations may be cited as the Financial Guidance and Claims Act 2018 (Commencement No. 1 and Transitional Provision) Regulations 2018.

Interpretation

2. In these Regulations—

“the Act” means the Financial Guidance and Claims Act 2018;

“the 2003 Regulations” means the Privacy and Electronic Communications (EC Directive) Regulations 2003(b);

“call” has the meaning given to it in regulation 2(1) of the 2003 Regulations.

Commencement of section 35 of the Act

3. Section 35 (cold calling about claims management services) of the Act comes into force on 8th September 2018.

Transitional provision

4. The changes made to the 2003 Regulations by section 35 of the Act do not apply to calls commenced before 8th September 2018.

Signed by authority of the Secretary of State

6th September 2018

Margot James
Minister for Digital and the Creative Industries
Department for Digital, Culture, Media and Sport

(a) 2018 c.10.

(b) S.I. 2003/2426, amended by S.I. 2016/524; there are other amendments but none is relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force section 35 of the Financial Guidance and Claims Act 2018 (“the Act”).

Section 35 of the Act amends the Privacy and Electronic Communications (EC Directive) Regulations 2003 (“the 2003 Regulations”) by amending regulations 21 and 24 and inserting new regulation 21A.

The principal changes create a special class of unsolicited marketing calls relating specifically to claims management services (“cold claims calls”) and prohibit people from making such calls unless recipient subscribers have previously opted *in* to receiving them.

The consequential changes to regulation 24 ensure that people making cold claims calls remain under a duty to provide recipients with their name and, if requested, their address and a contact number that is free to call.

Regulation 4 of these Regulations contains a transitional measure which provides that the changes made to the 2003 Regulations by section 35 of the Act will not apply to calls already in progress on commencement of that section.

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