Draft Order laid before Parliament under section 15(3)(b) of the Compensation Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No. [ ]

CONSUMER PROTECTION, ENGLAND AND WALES

The Compensation (Regulated Claims Management Services) Order 2006

Made - - - - ... ...

Coming into force in accordance with article 2

This Order is made in exercise of the powers conferred by sections 4(2)(e) and 15(1) of the Compensation Act 2006(**1**).

A draft of this Order has been laid before Parliament in accordance with section 15(3)(b) of that Act, and approved by a resolution of each House of Parliament.

Before making this Order, the Secretary of State has consulted the Office of Fair Trading and such other persons as he thinks appropriate, as required by section 15(3)(a) of that Act.

Accordingly, the Secretary of State makes the following Order:

Citation

1. This Order may be cited as the Compensation (Regulated Claims Management Services) Order 2006.

Commencement

2. This Order comes into force on the day after the day on which it is made.

Definition—"the Act"

3. In this Order, "the Act" means the Compensation Act 2006.

(**1**) 2006 c. 29.

Regulated services

4.—(1) For the purposes of Part 2 of the Act, services of a kind specified in paragraph (2) are prescribed if rendered in relation to the making of a claim of a kind described in paragraph (3), or in relation to a cause of action that may give rise to such a claim.

(2) The kinds of service are the following—

(a) advertising for, or otherwise seeking out (for example, by canvassing or direct marketing), persons who may have a cause of action;

(b) advising a claimant or potential claimant in relation to his claim or cause of action;

(c) subject to paragraph (4), referring details of a claim or claimant, or a cause of action or potential claimant, to another person, including a person having the right to conduct litigation;

(d) investigating, or commissioning the investigation of, the circumstances, merits or foundation of a claim, with a view to the use of the results in pursuing the claim;

(e) representation of a claimant (whether in writing or orally, and regardless of the tribunal, body or person to or before which or whom the representation is made).

(3) The kinds of claim are the following—

(a) claims for personal injuries, within the meaning in the Civil Procedure Rules 1998(**2**);

(b) claims under the Criminal Injuries Compensation Scheme established under the Criminal Injuries Compensation Act 1995(**3**);

(c) claims for a benefit specified or referred to in article 3 of the Compensation (Specification of Benefits) Order 2006(**4**);

(d) claims in relation to employment (including claims in relation to wages and salaries and other employment-related payments, and claims in relation to wrongful or unfair dismissal, redundancy, discrimination and harassment);

(e) claims for housing disrepair (that is, claims under section 11 of the Landlord and Tenant Act 1985(**5**) or section 4 of the Defective Premises Act 1972(**6**), claims in relation to the disrepair of premises under a term of a tenancy agreement or lease or under the common law relating to nuisance or negligence, but not claims for statutory nuisance under section 82 of the Environmental Protection Act 1990(**7**));

(f) claims in relation to financial products or services.

(4) In spite of paragraph (2)(c), the service of referring a claim's or a claimant's details to another person is not a regulated claims management service if it is not undertaken for or in expectation of a fee, gain or reward.

(**2**) SI 1998/3132. "Claim for personal injuries" is defined in rule 2.3(1).
(**3**) 1995 c. 53.
(**4**) SI 2006/…. The benefits are designed to provide compensation for industrial injury.
(**5**) 1985 c. 70 . Section 11 was amended by the Housing Act 1988 (c. 50), s. 116(1), (2).
(**6**) 1972 c. 35.
(**7**) 1990 c. 43. Section 82 was amended by: the Noise and Statutory Nuisance Act 1993 (c. 40), s 5; the Environment Act 1995 (c. 25), s 107, Schedule 17, para 6; the Clean Neighbourhoods and Environment Act 2005 (c. 16), ss 103(1), (4)(a).