

Compensation

Chapter 5

Protected claims

5.9 Protected funeral plan business

5.9.1 **R** *Protected funeral plan business is a regulated funeral plan activity carried on by a relevant person from an establishment maintained by the relevant person (or its appointed representative) in the United Kingdom.*

5.9.2 **R** ■ COMP 5.9.1R does not apply in relation to a *claim* against an intermediary (or where applicable, their *successor*) where the *eligible claimant* did not deal initially with an intermediary that was established in the *United Kingdom*.

Advising without a personal recommendation

5.9.3 **R** The *FSCS* must treat a *claim* relating to advice in relation to a *funeral plan contract* that falls outside article 53(1) of the *Regulated Activities Order* by virtue of article 53(1A) of that Order as being 'in connection with *protected funeral plan business*' for the purposes of ■ COMP 5.2.1R(7) where the *relevant person* giving the advice, at the time the act or omission giving rise to the *claim* took place:

(1) had, or required, *permission* to carry on; or

(2) (in the case of an *appointed representative*) was exempt from the *general prohibition* in respect of,

an activity that was *protected funeral plan business*.