

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.