



HM Treasury

Regulation of pre-paid funeral plans –  
the role of the Financial Services  
Compensation Scheme where a  
regulated funeral plan provider fails

**A consultation**

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July 2021



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the role of the Financial Services  
Compensation Scheme where a  
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# Executive summary

In January 2021, the government legislated to bring all<sup>1</sup> pre-paid funeral plan providers and intermediaries within the regulatory remit of the Financial Conduct Authority (FCA). We are now six months into an 18-month transition period before the new regulatory framework comes fully into force in July 2022. During this time the FCA has been developing its rules for the sector and affected funeral plan firms should take the necessary steps to familiarise themselves with the new regulatory requirements.

This means that by 29 July 2022 all funeral plan providers must be authorised by the FCA in order to enter into or carry out funeral plan contracts. Those who intermediate sales of funeral plans (e.g. those who advise on or arrange plans) will need to either apply for FCA authorisation or consider whether it would be appropriate and possible to carry on business as an appointed representative under the responsibility of an authorised principal.

In their March 2021 consultation paper, [CP21/4 Funeral Plans: proposed approach to regulation](#), the FCA proposed requirements for funeral plan firms to protect funeral plan consumers from potential firm failures. The government and the FCA are not aware of any material failures in the funeral plan market to date. However, as set out in its March consultation paper, the FCA considers it prudent to protect consumers from potential firm failures, including by introducing Financial Services Compensation Scheme (FSCS) protection for certain funeral plan activities from July 2022.

Following further consideration, it is now clear that further legislative changes are required to ensure that the FSCS can operate effectively for the consumers of pre-paid funeral plan contracts if a regulated funeral plan provider fails.

The government therefore proposes to make a statutory instrument:

- Enabling the FCA to make rules that will allow the FSCS to secure continuity of cover for funeral plan holders in appropriate circumstances.
- Enabling the FCA to make rules that will give the FSCS further rights in relation to the trust assets and insurance policies backing funeral plans.

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<sup>1</sup> Save for those that benefit from an exemption, such as local authorities.

These changes would ensure that the FCA could most effectively oversee an orderly wind down of a failed regulated funeral plan provider, thus protecting consumers from the risks posed by a disorderly exit from the market and mitigating the impact on FSCS levy payers.

## **Consultation and how to respond**

The purpose of publishing the consultation document is to enable any interested parties to make representations on the government's proposed approach to ensuring that the FSCS can operate effectively for the consumers of pre-paid funeral plans in the event that a regulated funeral provider fails. Stakeholders are also invited to comment on the *de minimis* impact assessment for this policy proposal, which is included in Annex A.

Responses are invited by Friday 3 September and should be sent to [funeralplans@hmtreasury.gov.uk](mailto:funeralplans@hmtreasury.gov.uk). Responses will be shared with the FCA unless otherwise requested.

# Chapter 1

## Introduction

### Background

- 1.1 A funeral plan contract (also referred to as a pre-paid funeral plan) is a contract under which a customer makes one or more payments to a funeral plan provider, who subsequently arranges or pays for a funeral upon the death of the customer. The payments received by providers are generally either placed into a trust structure or used to purchase an insurance policy. When a plan holder dies the funeral plan provider then provides the funeral or arranges for a third party to provide the funeral, using monies from the trust or insurance contract.
- 1.2 In response to evidence of consumer detriment within the pre-paid funeral plan sector, the government legislated in January 2021 to bring all<sup>1</sup> pre-paid funeral plan providers (hereafter “funeral plan providers”) within the regulatory remit of the Financial Conduct Authority (FCA).
- 1.3 This legislation followed a comprehensive consultation process:
  - [Call for Evidence](#): In light of reports produced by Citizens Advice Scotland<sup>2</sup> and Fairer Finance<sup>3</sup>, the government launched a Call for Evidence into the regulation of the pre-paid funeral plan market in June 2018. The call for evidence sought views and information on how the pre-paid funeral plan market currently operates and how best to regulate the sector in the light of concerns relating to consumer treatment. It also indicated that the government was minded to strengthen the regulatory framework by bringing all funeral plan providers and intermediaries within the remit of the FCA and set out the government’s initial policy proposal for achieving this, namely to amend the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (“the RAO”) to allow for additional, and stronger, regulation of the sector by the FCA.
  - [Consultation](#): In light of the responses to the Call for Evidence and meetings with stakeholders, in June 2019, the government launched a consultation on its proposed legislative approach to strengthening the regulation of the pre-paid funeral plans market. This consultation noted that responses to the Call for Evidence had confirmed that consumer detriment was present in the funeral plan market and that there was broad demand for the sector to come under statutory regulation. It also

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<sup>1</sup> Save for those that benefit from an exemption, such as local authorities.

<sup>2</sup> [https://www.cas.org.uk/system/files/publications/funeral\\_poverty\\_in\\_scotland\\_0.pdf](https://www.cas.org.uk/system/files/publications/funeral_poverty_in_scotland_0.pdf)

<sup>3</sup> <https://www.fairerfinance.com/assets/uploads/documents/The-road-to-regulating-prepaid-funeral-plans.pdf>



noted that the government had considered a range of policy options, including whether a new statutory regulator should be established, and in the light of the information and views received in the Call for Evidence had maintained its position that bringing all funeral plan providers within the remit of the FCA would be the most effective and proportionate approach.

- [Response to consultation](#): As part of the Spring Budget, in March 2020 the Chancellor announced the government's intention to legislate to bring all funeral plan providers within the FCA's regulatory remit and published the government's response to its consultation. This noted that, following consideration of the responses to the consultation, the government had adjusted its proposals, including by extending the jurisdiction of the Financial Ombudsman Service and revising its impact assessment calculations.

- 1.4 The government's response to its consultation committed to laying the secondary legislation before parliament in short order. However, the disruption created by the Covid-19 pandemic and the pressure this placed on both the government and the funeral plan sector caused the government to postpone the laying of the relevant legislation until Q4 2020 to allow the industry to focus on meeting the needs of their customers during the pandemic.
- 1.5 The government laid the relevant statutory instrument before parliament in draft in November 2020. Following debates in the House of Lords and the House of Commons, the [statutory instrument](#) was made into law on 28 January 2021. There is now an 18-month transition period before the new regulatory framework comes fully into force. During this period the FCA are designing, consulting on and implementing the regulatory architecture for the new regime. It also allows time for funeral plan providers and their intermediaries to take the necessary steps to familiarise themselves with the new regulatory requirements.
- 1.6 The FCA published a [consultation paper](#) on draft rules and guidance for the funeral plan sector on 2 March 2021. This consultation closed on 13 April 2021 and the FCA's response to that consultation is due to be published on 5 July 2021. The FCA's policy statement will summarise the feedback received to its consultation paper, the FCA's response to that feedback, and its final rules.
- 1.7 In their March 2021 consultation paper the FCA proposed to protect funeral plan consumers from potential firm failures – although HMT and the FCA know of no material firm failures in the funeral plan market to date – including by introducing Financial Services Compensation Scheme (FSCS) protection for certain funeral plan activities from July 2022.
- 1.8 The FCA's policy statement will confirm that its rules in relation to the FSCS will be made as consulted on. This means that FSCS protection for funeral plans will commence at the same time that regulation of the sector commences on 29 July 2022. The FCA will also announce on 5 July 2021 that further rules in relation to FSCS protection of funeral plans will be

consulted on. The FCA's further proposed rules will relate to the legislation consulted on in this consultation document.

- 1.9 The FSCS is the UK's statutory compensation scheme of last resort for financial services. FSCS protection already applies to claims made in connection with deposit taking, insurance provision and distribution, certain investment business activities, home finance advice and certain debt management activities. The FSCS plays a critical role in protecting consumers and ensuring they can have confidence in the financial services market. Firms from across the financial services industry pay levies to fund both the FSCS's operating costs and the compensation it pays out.
- 1.10 Under the Financial Services and Markets Act 2000 (Financial Services Compensation Scheme) Order 2013 the FCA and Prudential Regulation Authority are each responsible for making rules in relation to the FSCS – in particular for making rules concerning compensation made by the FSCS and the levies which fund it. The FCA's responsibilities can extend to include setting the framework for FSCS protection in relation to funeral plans.
- 1.11 However, it has come to the government's attention that further legislative changes are required in order to ensure that the FSCS will operate most effectively for the consumers of pre-paid funeral plans should a regulated funeral plan provider fail.
- 1.12 The government therefore proposes to make an additional statutory instrument to supplement that which was laid in January.

## Chapter 2

# Policy proposal to ensure that the FSCS operates effectively for consumers of pre-paid funeral plans

2.1 This chapter explains the government's proposals to grant the FCA additional rule-making powers so that the FCA can ensure that the FSCS can most effectively carry out its functions if a regulated funeral plan provider were to fail, thereby protecting consumers from the risks of a disorderly wind-down and ensuring they are appropriately compensated. In addition, the proposals help the FSCS to seek recoveries, mitigating the impact on FSCS levy payers. The detail of the regulatory regime will be developed by the FCA, who will consult on their proposed rules in early July 2021. The FCA is consulting on its proposed rules on the assumption that the government's legislation is substantively as envisaged in this consultation document. If the legislation is not introduced, the FCA would not introduce the associated rules.

### The current regulatory framework

2.2 The FCA's powers and responsibilities in relation to the FSCS are determined by the Financial Services and Markets Act 2000. The current regulatory framework gives the FCA the power to, among other things, make the rules that enable the FSCS to:

- Provide compensation to eligible claimants in relation to financial activities which are protected by the FSCS if an authorised financial firm fails. Where the consumer has a protected claim and all the other conditions for the payment of compensation are satisfied, then the FSCS will typically provide monetary compensation to consumers. However, depending on the nature of the failed business and the impact its failure will have on consumers, there are certain situations where the FSCS will attempt to provide continuity of cover (instead of monetary compensation) as a more appropriate outcome. This is the case in relation to long-term insurance contracts, as the FSCS is able to work with brokers to attempt to arrange for policies held by customers with a failed insurer to be transferred to, or be replaced by, a new insurer so that customers have uninterrupted cover.
- Take assignment of a consumer's rights against the insolvent estate of a failed financial services firm and any third parties through section 215 of FSMA. Upon payment of compensation by the FSCS, the claimant's legal rights are transferred to the FSCS. This allows the FSCS to seek to recover some or all of the cost of compensation by "standing in the shoes" of a

claimant. This benefits both the levy payers which fund the FSCS and claimants who have been paid compensation but still have uncompensated losses (e.g. if a claimant's losses exceed the maximum compensation that FSCS can pay).

2.3 Under the current regulatory framework, the FCA does not have the power to make all the necessary rules to enable it and the FSCS to carry out these functions most effectively if a regulated funeral plan provider fails. Following discussions with the FCA and FSCS, the government has identified two risks that may arise if a regulated funeral plan provider were to fail under the current existing regulatory architecture:

- **The FSCS would not be able to secure the continuity of funeral plans for consumers if a funeral plan provider fails.** This means that consumers, who may be elderly or vulnerable, would simply receive monetary compensation and be required to source and purchase a new funeral plan at the current market price. The government and the FCA believe that this would likely be a poor outcome for consumers in many cases. Many consumers will have purchased a funeral plan primarily in order to make arrangements for their passing and to protect against rising costs and so would likely be better served by a continuation of those arrangements than they would by receiving monetary compensation.
- **The FSCS may be unable to recover from trust assets or insurance monies underpinning funeral plans those sums it pays out by way of monetary compensation or in order to secure continuity of cover.** The usual approach of the FSCS when a firm is unable to satisfy claims against it is to take assignment of the claimant's (i.e. the consumer's) rights in accordance with FCA rules made under section 215 of FSMA. This normally enables the FSCS to seek to recover those sums it pays out to consumers. However, given the unusual nature of a sample of trust deeds and insurance contracts underpinning funeral plans examined by the FCA, the government believes that in some cases the claimant will have no right over the trust assets or insurance monies and only the failed funeral plan provider will have such rights. For example, some trust deeds underpinning funeral plan contracts do not include provisions prescribing how the trust would be administered in the event of a firm failure. This means that even if the FSCS assumes the rights of the claimant, it will have no rights to those monies because the claimant's rights are not clearly defined or are insufficient. Therefore, the FSCS's ability to recover from the assets may be limited. The government judges this outcome to be inconsistent with the approach taken to the FSCS in other situations. It also presents a risk to FSCS levy-payers, insofar as the FSCS may be required to pay funds out to the consumers of funeral plans from the contributions of levy-payers without being able to offset those costs against remaining trust or insurance monies.

2.4 If the FSCS is not able to carry out its functions most effectively then this creates the possibility that, were a regulated funeral plan provider to fail, customers may not receive the funeral service they expected at the cost that they were expecting to pay, and that other FSCS levy payers may be unfairly burdened.

## The government's policy proposal

- 2.5 Although the FCA is introducing safeguards to reduce the risk of a regulated funeral plan provider failing, the government is of the view that it needs to take action to mitigate these risks in the event that a regulated funeral plan provider does fail.
- 2.6 The government therefore proposes to amend the legislative framework to enable the FCA to make the requisite rules that will aim to ensure that the FSCS can most effectively carry out its functions if a regulated funeral plan provider fails.
- 2.7 The government proposes to:
- enable the FCA to make rules that will allow the FSCS to secure the continuity of funeral plan contracts
  - enable the FCA to make rules that will allow for the FSCS to obtain rights in relation to the trust assets and insurance policies backing funeral plans entered into by the failed provider
  - enable the FSCS to obtain information from third parties (e.g. trustees and insurers) who were at any relevant time involved in the provision of a failed regulated funeral plan provider's funeral plans, for the purposes of determining claims made by consumers against that provider
- 2.8 To support the exercise of the FCA's new regulatory powers in relation to funeral plan providers from July 2022, the government also proposes to enable the FCA to require information (including skilled person reports) from any persons who were at any relevant time involved in trust arrangements underpinning funeral plan contracts.
- 2.9 The government judges that these are proportionate and necessary measures to implement to mitigate the risks outlined at paragraph 2.3 and to prevent the disorderly wind down of a failed funeral plan provider.

1 Do you agree that it is necessary for the government to legislate to secure appropriate FSCS protection for consumers and other levy-payers in the event that a regulated funeral plan provider fails? Can you please explain your view?

# Chapter 3

## Proposed amendments to the regulatory framework

- 3.1 This chapter explains the legislative amendments the government is seeking to make to the current regulatory framework in order to ensure that the FSCS can operate most effectively for consumers should a regulated funeral plan provider fail.
- 3.2 The government proposes to make these amendments to the regulatory framework by way of secondary legislation.
- 3.3 The amendments to the regulatory framework will in particular be relevant to:
- pre-paid funeral plan providers that obtain FCA authorisation
  - firms and trustees that oversee the trusts and insurance contracts underpinning funeral plan contracts
  - insolvency practitioners
  - consumers of pre-paid funeral plans
- 3.4 In order to achieve the policy proposals, set out at paragraph 2.7, the government intends to make consequential amendments to the Financial Services and Markets Act 2000.

### Amendments to the Financial Services and Markets Act 2000 (FSMA)

#### Securing continuity of cover for the consumers of funeral plans

- 3.5 As stated in chapter 2 the government is of the view that, if a regulated funeral plan provider failed, in many cases funeral plan holders would be better served through continuity of cover than they would through receiving monetary compensation and the consumer having to purchase a new funeral plan.
- 3.6 There is precedent for this approach. Section 216 of the Financial Services and Markets Act 2000 enables the Prudential Regulation Authority (which is responsible for the Policyholder Protection rules) to make rules that allow the FSCS to secure continuity of cover for the consumers of long-term insurance contracts. This is because the government believes that the consumers of these financial services products are better served by continued insurance

coverage than they are by monetary compensation, even if that compensation is sufficient to purchase a new long-term insurance contract.

- 3.7 In order to ensure that the FCA can make the necessary rules that will allow the FSCS to achieve this continuity of cover for funeral plan contracts the government proposes to insert a new section 215A into FSMA – “215A. - *Continuity of funeral plan contracts*”.
- 3.8 Section 215A would specify that the FCA can make rules requiring or enabling the FSCS to make arrangements for securing the continuity of cover for the funeral plan holders of relevant funeral plan providers. Relevant funeral plan providers would be defined as those who (i) have permission to enter into or carry out a funeral plan contract as a provider (per articles 59 and 60 of the RAO) and (ii) who are unable or likely to be unable to satisfy claims made against them.
- 3.9 The proposed provision would enable the FSCS to take appropriate measures (including making payments) to ensure continuity of cover by either facilitating the transfer of the existing funeral plan contract to another regulated funeral plan provider, or by securing a suitable substitute funeral plan with another regulated funeral plan provider. Either outcome would ensure that customers of the failed funeral plan provider are provided with an equivalent or similar funeral plan arrangement
- 3.10 Section 215A would also enable the FCA to make rules giving the FSCS the power it needs to impose levies on the industry for the purposes of meeting expenses incurred in arranging continuity of cover for or making payments to consumers of failed funeral plan providers.
- 3.11 The government is considering whether there are any further changes that may be required to ensure that the FSCS operates effectively for funeral plan consumers, such as how insolvency practitioners should engage with the compensation scheme if a regulated funeral plan provider fails.

### **Ensuring the FSCS can seek recoveries more effectively from the relevant trust assets and insurance monies for sums paid out to compensate consumers or in order to secure continuity of cover**

- 3.12 As outlined in chapter 2 the government is of the view that, if a regulated funeral plan provider fails, then the FSCS may not be able to effectively seek recovery of the sums it pays out as monetary compensation to consumers or in order to secure continuity of cover for funeral plan holders. This is because the trust deeds and insurance policies underpinning funeral plans may not have clearly or sufficiently defined the consumer’s rights, or there may be no consumer right to those funds.
- 3.13 In order to ensure that the FCA can make the necessary rules that will allow the FSCS to seek recovery effectively of the sums it pays out from the trust assets and insurance contracts underpinning funeral plan contracts, the government proposes to insert new subsections into section 215 of FSMA regarding the rights of the FSCS in relation to failed funeral plan providers and their successors. “Successors” of a regulated funeral plan provider are persons who have assumed responsibility for liabilities arising from that funeral plan provider’s acts or omissions and are unable, or likely to be

unable, to satisfy claims against them which are based on those acts or omissions.

- 3.14 The new subsections of section 215 of FSMA would specify that the FCA may make provision in its rules in relation to relevant funeral plan providers (per the definition set out at paragraph 3.8 above) or their successors, concerning the FSCS's ability to vary existing rights and obligations in trust arrangements or insurance contracts underpinning the funeral plans entered into or carried out by those providers or their successors, in circumstances where taking assignment of consumers' rights does not enable the FSCS to seek recoveries from the trustees or insurers involved. This would apply to all funeral plan contracts regardless of whether they were entered into before or after the FCA's regulatory framework comes fully into force in July 2022.
- 3.15 However, under FCA rules the FSCS's right of recovery relating to contracts provided by a failed provider would not be able to exceed the amount paid or to be paid out by the FSCS in connection with those contracts.
- 3.16 The result of these amendments would be to allow the FSCS to modify the obligations of the trust deeds and insurance contracts used by the failed regulated funeral plan provider, such that the FSCS is entitled to claim or receive the funds held under the terms of these trust deeds or insurance contracts and which, if not for the funeral plan provider's failure, would have benefitted the consumers the FSCS has compensated (whether in cash or through continuity arrangements) on their deaths. The effect of this is that the FCA would be able to give the FSCS additional rights for the purposes of making recoveries in the context of trust and insurance backed funeral plans. The government considers this to be consistent with the FCA's general policy for the FSCS in other sectors. This benefits both the levy payers which fund the FSCS and claimants who have been paid compensation but still have uncompensated losses (e.g. if a claimant's losses exceed the maximum compensation that FSCS can pay).

### **Consequential amendments to FSMA relating to the FSCS securing continuity of cover and seeking recoveries more effectively**

- 3.17 In order to supplement the FSCS's proposed new powers, the government also proposes to make certain consequential amendments:
- to section 219 of FSMA to ensure that the FSCS is able to require third parties (such as trustees and insurers) involved in the provision of funeral plan contracts to provide certain information or documents which the FSCS considers to be necessary (or likely to be necessary) for the fair determination of claims which have been or may be made against a failed funeral plan provider
  - to section 223 of FSMA to exclude expenses incurred by the FSCS in arranging continuity of cover for funeral plan holders or making payments under section 215A from the definition of FSCS "management expenses". This mirrors the approach taken in relation to expenses in arranging the continuity of long-term insurance contracts



- 2 Do you agree with the government's proposed approach to ensure that the FSCS can provide continuity of cover for consumers? Can you please explain your view?
- 3 Do you agree with the government's proposed approach to ensure that the FSCS can seek recoveries from the trust assets and insurance monies, in cases where a failed regulated funeral plan provider's funeral plan contracts are backed by trust arrangements or insurance contracts and where the claimant would not otherwise have any, or sufficient, rights to such monies? Can you please explain your view?

## Amendments to FSMA relating to FCA information gathering powers

- 3.18 Section 165 of FSMA gives the FCA a power to require information from firms authorised by the FCA. Information must be requested in writing and reasonably required in connection with the exercise of the FCA's functions. The government proposes to amend section 165 of FSMA so that persons "connected with" an authorised firm include any persons involved in any trust arrangement relating to a funeral plan contract entered into or carried out by an FCA-authorised funeral plan provider.
- 3.19 Where the FCA has required or could require information from an authorised firm, section 166 FSMA enables the FCA to request a report on a matter by somebody who has the skills necessary to do so (referred to as a "skilled person") or to appoint a skilled person to produce such a report. The use of this power can, for example, be useful for the purposes of the FCA determining whether enforcement action against a firm is appropriate. The government proposes to amend section 166 of FSMA so that the FCA can request a skilled person report from any person who is or has at any relevant time been involved in any trust arrangement relating to a funeral plan contract entered into or carried out by an FCA-authorised funeral plan provider.
- 3.20 The purpose of the government's proposed amendments to sections 165 and 166 of FSMA is to support the FCA's supervisory and enforcement functions in the pre-paid funeral plans market, by ensuring that its information gathering powers extend to persons involved in the provision of funeral plan contracts other than just the authorised funeral plan provider, namely trustees of trusts backing funeral plan contracts.

- 4 Do you agree that the proposed amendments to sections 165 and 166 of FSMA are appropriate for supporting the FCA in the exercise of its regulatory powers in the funeral plans market? Can you please explain your view?

## Amendments to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001

3.21 Any person normally requires permission under FSMA in order to carry on regulated activities specified in the RAO (for entering into or carrying out funeral plan contracts, FCA authorisation will be required). However, the regulated activities listed in article 72H of the RAO do not require such permission if carried on by a person acting as an insolvency practitioner. The list in article 72H does not currently include carrying out funeral plan contracts. The government intends to rectify this by amending the RAO so that the article 72H exclusion applies in relation to funeral plan contracts, and that the relevant activity of carrying out funeral plan contracts is explicitly stated to be subject to the exclusion in article 72H. This would ensure that if a regulated funeral plan provider fails and its activities are temporarily taken over by an insolvency practitioner during a winding-up, that insolvency practitioner is duly exempted from needing FCA authorisation to carry out the contract.

- 5 Do you agree that the proposed amendment to article 72H of the RAO will support insolvency practitioners in assisting with the winding-up of a regulated funeral plan provider? Can you please explain your view?
- 6 Do you have any further comments on the issues and government proposals set out in this consultation paper?

# Chapter 4

## Consultation and how to respond

- 4.1 The purpose of publishing the consultation document is to enable any interested parties or stakeholders to make representations on the government's proposed approach to ensuring that the FSCS can carry out its functions most effectively for the consumers of pre-paid funeral plans in the event a regulated funeral plan provider fails. Stakeholders are also invited to comment on the draft of the impact assessment for this policy proposal, which is included in Annex A.
- 4.2 Responses are invited by Friday 3 September and should be sent to [funeralplans@hmtreasury.gov.uk](mailto:funeralplans@hmtreasury.gov.uk).
- 4.3 Responses will be shared with the FCA unless otherwise requested.

# Chapter 5

## Summary of questions

- 1 Do you agree that it is necessary for the government to legislate to secure appropriate FSCS protection for consumers and levy-payers in the event that a regulated funeral plan provider fails? Can you please explain your view?
- 2 Do you agree with the government's proposed approach to ensure that the FSCS can provide continuity of cover to consumers? Can you please explain your view?
- 3 Do you agree with the government's proposed approach to ensure that the FSCS can seek recoveries from the trust assets and insurance monies, in cases where a failed regulated funeral plan provider's funeral plan contracts are backed by trust arrangements or insurance contracts and where the claimant would not otherwise have any, or sufficient, rights to such monies? Can you please explain your view?
- 4 Do you agree that the proposed amendments to sections 165 and 166 of FSMA are appropriate for supporting the FCA in the exercise of its regulatory powers in the funeral plans market? Can you please explain your view?
- 5 Do you agree that the proposed amendment to article 72H of the RAO will support insolvency practitioners in assisting with the winding-up of a regulated funeral plan provider? Can you please explain your view?
- 6 Do you have any further comments on the issues and government proposals set out in this consultation paper?

## HM Treasury contacts

This document can be downloaded from [www.gov.uk](http://www.gov.uk)

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