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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 201**

**COMMERCIAL AGENTS**

**Commercial Agents (Council Directive)  
(Amendment) Regulations (Northern Ireland) 1999**

*Made* - - - - *27th April 1999*  
*Coming into operation* *7th June 1999*

The Department of Economic Development, being a Department designated by the European Communities (Designation) Order 1989<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to relations between commercial agents and their principals, in the exercise of the powers conferred on it by that section, hereby makes the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Commercial Agents (Council Directive) (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 7th June 1999.

(2) The Interpretation Act (Northern Ireland) 1954<sup>(3)</sup> shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

**Amendment of the Commercial Agents (Council Directive) Regulations (Northern Ireland) 1993**

2. The Commercial Agents (Council Directive) Regulations (Northern Ireland) 1993<sup>(4)</sup> shall be amended as provided in regulations 3 and 4.

3. In regulation 1, for paragraph (3) there shall be substituted the following paragraph—

“(3) A court or tribunal shall—

- (a) apply the law of the other member State concerned in place of regulations 3 to 22 where the parties have agreed that the agency contract is to be governed by the law of that member State;
- (b) (whether or not it would otherwise be required to do so) apply these Regulations where the law of another member State corresponding to these Regulations enables the parties to agree that the agency contract is to be governed by the law

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(1) S.I.1989/1327  
(2) 1972 c. 68  
(3) 1954 c. 33 (N.I.)  
(4) S.R. 1993 No. 483

of a different member State and the parties have agreed that it is to be governed by the law of Northern Ireland.”.

4. In regulation 2(2), after the definition of “commission” there shall be inserted the following definitions—

““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“member State” includes a State which is a contracting party to the EEA Agreement;”.

Sealed with the Official Seal of the Department of Economic Development on

27th April 1999.

*A. L. Brown*  
Assistant Secretary

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Commercial Agents (Council Directive) Regulations (Northern Ireland) 1993 (“the 1993 Regulations”), which implemented Council Directive [86/653/EEC](#) on the co—ordination of the laws of member States relating to self—employed commercial agents (O.J. No. L382, 31.12.1986, p. 17) (“the Directive”).

Following representations made by the European Commission to the effect that the 1993 Regulations did not deal with the case where the parties had expressly agreed that the law of any part of the United Kingdom was to apply to the contract between them and that a court in the United Kingdom was to have jurisdiction but the activities of the agent were to be carried out elsewhere in the European Communities, these Regulations seek to put the matter beyond doubt in relation to Northern Ireland.

Whether or not it would otherwise be required to do so, a court or tribunal is required to apply the 1993 Regulations in the case mentioned above, provided that the law of the other member State so permits. The 1993 Regulations already made provision for the converse case, thus permitting agents in Northern Ireland to agree to the application of the law of another member State. The amendment restates this provision.

The Explanatory Note to the 1993 Regulations drew attention to the fact that the Directive was within the scope of the Agreement on the European Economic Area by virtue of paragraph 30 of Annex VII to that Agreement. These Regulations take the opportunity to insert appropriate references in the 1993 Regulations.