
DRAFT STATUTORY INSTRUMENTS

2009 No.

The Provision of Services Regulations 2009

PART 1

INTRODUCTORY

“Service”

2.—(1) In these Regulations “service” means any self-employed economic activity normally provided for remuneration (as referred to in Article 50 of the Treaty).

(2) These Regulations do not apply to—

(a) financial services, such as banking, credit, insurance and re-insurance, occupational or personal pensions, securities, investment funds, payment and investment advice, including the services listed in Annex I to Directive [2006/48/EC](#) of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions⁽¹⁾;

(b) electronic communications services and networks, and associated facilities and services, with respect to matters covered by—

Directive [2002/19/EC](#) of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities⁽²⁾,

Directive [2002/20/EC](#) of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services⁽³⁾,

Directive [2002/21/EC](#) of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services⁽⁴⁾,

Directive [2002/22/EC](#) of the European Parliament and of the Council of 7 March 2002 on universal service and users’ rights relating to electronic communications networks and services⁽⁵⁾, or

Directive [2002/58/EC](#) of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector⁽⁶⁾;

(c) services in the field of transport, including port services, falling within the scope of Title V of the Treaty;

(1) OJNo. L177, 30.6.2006, p.1.

(2) OJ No. L108, 24.4.2002, p.7.

(3) OJ No. L108, 24.4.2002, p.21.

(4) OJ No. L108, 24.4.2002, p.33.

(5) OJ No. L108, 24.4.2002, p.51.

(6) OJ No. L201, 31.7.2002, p.37 as amended by Directive [2006/24/EC](#) (OJ L105, 13.4.2006, p.54).

- (d) services of temporary work agencies (which for the purposes of these Regulations include any employment business as defined by section 13(3) of the Employment Agencies Act 1973(7));
- (e) healthcare services, whether or not they are provided via healthcare facilities, and regardless of the ways in which they are organised and financed at national level or whether they are public or private;
- (f) audiovisual services, including cinematographic services, whatever their mode of production, distribution and transmission, and radio broadcasting;
- (g) gambling activities which involve wagering a stake with pecuniary value in games of chance, including lotteries, gambling in casinos and betting transactions;
- (h) activities which are connected with the exercise of official authority (as set out in Article 45 of the Treaty);
- (i) social services relating to social housing, childcare and support of families and persons permanently or temporarily in need which are provided by the State, by providers mandated by the State or by charities recognised as such by the State;
- (j) private security services;
- (k) services provided by notaries or bailiffs, if or to the extent that they are appointed by an official act of government to provide those services.