
STATUTORY INSTRUMENTS

2013 No. 908

**CONTRACTS, ENGLAND AND WALES
CONTRACTS, NORTHERN IRELAND**

**The Late Payment of Commercial
Debts (No.2) Regulations 2013**

<i>Made</i>	- - - -	<i>18th April 2013</i>
<i>Laid before Parliament</i>		<i>19th April 2013</i>
<i>Coming into force</i>	- -	<i>14th May 2013</i>

The Secretary of State, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to matters relating to the combating of late payment in commercial transactions, makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Late Payment of Commercial Debts (No.2) Regulations 2013 and shall come into force on 14th May 2013.

(2) These Regulations extend to England and Wales and Northern Ireland⁽³⁾.

(3) These Regulations do not affect contracts made before the day on which these Regulations come into force.

Amendment of the Late Payment of Commercial Debts (Interest) Act 1998

2. In section 4(5B) of the Late Payment of Commercial Debts (Interest) Act 1998⁽⁴⁾ (period for which statutory interest runs: determination of relevant day for case involving acceptance or verification procedure), omit “which is 30 days”.

(1) Article 2 of, and the Schedule to, the European Communities (Designation) Order 2002 ([S.I. 2002/248](#)).
(2) [1972 c. 68](#). Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 ([c. 51](#)) and the European Union (Amendment) Act 2008 ([c. 7](#)), Schedule 1, Part 1.
(3) The functions of the Secretary of State under the Late Payment of Commercial Debts (Interest) Act 1998 are, so far as exercisable in or as regards Scotland, devolved to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 ([c. 46](#)).
(4) [1998 c. 20](#). Section 4 was amended by the Late Payment of Commercial Debts Regulations 2013 ([S.I. 2013/395](#)).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

18th April 2013

Matthew Hancock
Minister for Skills
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive 2011/7/EU of the European Parliament and of the Council of 16th February 2011 on combating late payment in commercial transactions.

These Regulations (by virtue of Regulation 2) amend section 4 of the Late Payments of Commercial Debts (Interest) Act 1998 to remove an additional 30 day time period before the payment period begins where a purchaser has the option of confirming that the goods or services they have received from the supplier conform with the contract. A purchaser has a period of 30 days or longer as otherwise agreed and provided it is not grossly unfair to the supplier, to confirm that the goods or services they have received from the supplier conform with the contract before the payment period commences.

These Regulations (by virtue of Regulation 1) do not apply to contracts made before the day on which the Regulations come into force.

A regulatory impact assessment of the effect of this instrument on the costs of business is available from the Enterprise Directorate, Department for Business Innovation and Skills, 1 Victoria Street, London SW1H 0ET.