

SCHEDULE 2

Amendments

PART 2

Amendments to other legislation

Tourism (Sleeping Accommodation Price Display) Order 1977

76. The Tourism (Sleeping Accommodation Price Display) Order 1977(1) is revoked.

Weights and Measures (Northern Ireland) Order 1981

77. Article 22(2) of the Weights and Measures (Northern Ireland) Order 1981(2) is revoked.

Road Vehicles (Construction and Use) Regulations 1986

78. Regulation 5 of the Road Vehicles (Construction and Use) Regulations 1986(3) (Trade Descriptions Act 1968) is revoked.

The Companies (Northern Ireland) Order 1986

79. In Schedule 15D(4) (Disclosures) to the Companies (Northern Ireland) Order 1986 in paragraph 16—

(a) omit sub-paragraph (h), and

(b) after sub-paragraph (i) insert—

“(j) the Business Protection from Misleading Marketing Regulations 2008;

(k) the Consumer Protection from Unfair Trading Regulations 2008.”

Consumer Protection (Northern Ireland) Order 1987

80. Articles 13 to 27, 30 and 33 of the Consumer Protection (Northern Ireland) Order 1987(5) are revoked.

Control of Misleading Advertisements Regulations 1988

81. The Control of Misleading Advertisements Regulations 1988(6) are revoked.

Road Vehicles Lighting Regulations 1989

82. Regulation 10 of the Road Vehicles Lighting Regulations 1989(7) (provision as respects the Trade Descriptions Act 1968) is revoked.

(1) [S.I.1977/1877](#), amended by [S.I. 1985/1778](#).

(2) [S.I. 1981/231 \(N.I.10\)](#) to which there are amendments not relevant to these Regulations..

(3) [S.I. 1986/1078](#), to which there are amendments not relevant to these Regulations.

(4) [S.I. 1986/1032 \(N.I.6\)](#), amended by [S.I. 2005/1967 \(N.I.17\)](#).

(5) [S.I. 1987/2049 \(N.I.20\)](#).

(6) [S.I. 1988/915](#), amended by [S.I. 2000/914, 2003/3183](#).

(7) [S.I. 1989/1796](#), to which there are amendments not relevant to these Regulations..

Estate Agents (Specified Offences) (No. 2) Order 1991

83.—(1) The Schedule to the Estate Agents (Specified Offences) (No.2) Order 1991**(8)** (specified offences) is amended as follows.

- (2) Omit the entry for the Consumer Protection Act 1987.
- (3) Omit the entry for the Consumer Protection (Northern Ireland) Order 1987.
- (4) Immediately before the entry for the Property Misdescriptions Act 1991 insert—

“Business Protection from Misleading Marketing Regulations 2008	Regulation 6	Misleading advertisements
	Regulation 25	Obstruction of authorised officers”

- (5) In the entry for the Trade Descriptions Act 1968—
 - (a) in the column headed “Provision” omit “Section 1(1)”, “Section 13” and “Section 14(1)(b)”;
 - (b) in the column headed “Description of Offence” omit “Applying false trade description in relation to goods”, “False representations as to supply of goods or services”, “False or misleading statements as to services etc”.
- (6) Add at the end—

“Consumer Protection from Unfair Trading Regulations 2008	Regulation 8	Offences relating to unfair commercial practices
	Regulation 9	
	Regulation 10	
	Regulation 11	
	Regulation 12	
	Regulation 23	Obstruction of authorised officers ”

Airports (Northern Ireland) Order 1994

84. In Article 49 of the Airports (Northern Ireland) Order 1994**(9)** (restriction on disclosure of information), in paragraph (3)—

- (a) omit sub-paragraph (l), and
- (b) after sub-paragraph (u) add—
 - “(v) the Business Protection from Misleading Marketing Regulations 2008;
 - (w) the Consumer Protection from Unfair Trading Regulations 2008.”.

Motor Cycle Silencer and Exhaust Systems Regulations 1995

85. Regulation 7 of the Motor Cycle Silencer and Exhaust Systems Regulations 1995**(10)** (the Trade Descriptions Act 1968) is revoked.

(8) S.I. 1991/1091, amended by S.I. 1992/2833; there are other amending instruments but none is relevant.
(9) S.I. 1994/426 (N.I.1).
(10) S.I. 1995/2370.

Energy Information (Washing Machines) Regulations 1996

86. In Schedule 5 to the Energy Information (Washing Machines) Regulations 1996(11) (offences, enforcement and other matters), in paragraph 15(3)—

- (a) omit paragraph (i), and
- (b) after paragraph (h) insert—
 - “(k) any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market;
 - (l) any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.”.

Energy Information (Tumble Driers) Regulations 1996

87. In Schedule 5 to the Energy Information (Tumble Driers) Regulations 1996(12) (offences, enforcement and other matters), in paragraph 15(3)—

- (a) omit paragraph (i), and
- (b) after paragraph (h) insert—
 - “(k) any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market;
 - (l) any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.”.

Energy Information (Combined Washer-Driers) Regulations 1997

88. In Schedule 5 to the Energy Information (Combined Washer-Driers) Regulations 1997(13) (offences, enforcement and other matters), in paragraph 15(3)—

- (a) omit paragraph (i), and
- (b) after paragraph (h) insert—
 - “(k) any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market;
 - (l) any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.”.

(11) [S.I. 1996/600](#), amended by [S.I. 2001/3142](#); there are other amending instruments but none is relevant.

(12) [S.I. 1996/601](#), amended by [S.I. 2001/3142](#); there are other amending instruments but none is relevant.

(13) [S.I. 1997/1624](#), amended by [S.I. 2001/3142](#); there are other amending instruments but none is relevant.

Motor Cycles (Protective Helmets) Regulations 1998

89. In regulation 6 of the Motor Cycle (Protective Helmets) Regulations 1998⁽¹⁴⁾ (saving for the Trade Descriptions Act 1968 and the Consumer Protection Act 1987) omit the words “the Trade Descriptions Act 1968 or”.

Motor Cycles (Protective Headgear) Regulations (Northern Ireland) 1999

90. In regulation 4 of the Motor Cycles (Protective Headgear) Regulations (Northern Ireland) 1999⁽¹⁵⁾ (saving for the Trade Descriptions Act 1968, the Consumer Protection Act 1987 and the Consumer Protection (Northern Ireland) Order 1987) omit the words “the Trade Descriptions Act 1968”.

Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999

91. Regulation 4 of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999⁽¹⁶⁾ (Trade Descriptions Act 1968) is revoked.

Energy Information (Lamps) Regulations 1999

92. In Schedule 4 to the Energy Information (Lamps) Regulations 1999⁽¹⁷⁾ (offences, enforcement and other matters), in paragraph 12(3)—

(a) omit paragraph (i), and

(b) after paragraph (h) insert—

“(j) any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market;

(k) any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.”.

Energy Information (Dishwashers) Regulations 1999

93. In Schedule 5 to the Energy Information (Dishwashers) Regulations 1999⁽¹⁸⁾ (offences, enforcement and other matters), in paragraph 12(3)—

(a) omit paragraph (i), and

(b) after paragraph (h) insert—

“(j) any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market;

(k) any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.”.

⁽¹⁴⁾ [S.I. 1998/1807](#), to which there are amendments not relevant to these Regulations.

⁽¹⁵⁾ [S.R. \(NI\) 1999 No 170](#).

⁽¹⁶⁾ [S.R. \(NI\) 1999 No 454](#), to which there are amendments not relevant to these Regulations.

⁽¹⁷⁾ [S.I. 1999/1517](#), to which there are amendments not relevant to these Regulations..

⁽¹⁸⁾ [S.I. 1999/1676](#), to which there are amendments not relevant to these Regulations.

Road Vehicles Lighting Regulations (Northern Ireland) 2000

94. Regulation 12 of the Road Vehicles Lighting Regulations (Northern Ireland) 2000(19) is revoked.

Control of Misleading Advertisements (Amendment) Regulations 2000

95. The Control of Misleading Advertisements (Amendment) Regulations 2000(20) are revoked.

Consumer Protection (Distance Selling) Regulations 2000

96. In regulation 24 of the Consumer Protection (Distance Selling) Regulations 2000(21) (inertia selling) omit paragraphs (4), (5), (7), (8) and (9).

Sale and Supply of Goods to Consumers Regulations 2002

97. In regulation 15 of the Sale and Supply of Goods to Consumers Regulations 2002(22) (consumer guarantees), after paragraph (2), insert—

“(2A) The guarantor shall also ensure that the guarantee contains a statement that the consumer has statutory rights in relation to the goods which are sold or supplied and that those rights are not affected by the guarantee.”.

Energy (Northern Ireland) Order 2003

98. In Article 63 of the Energy (Northern Ireland) Order 2003(23) (general restrictions on disclosure of information), in paragraph (6)—

(a) omit paragraph (m);

(b) after paragraph (u) insert—

“(v) the Business Protection from Misleading Marketing Regulations 2008;

(w) the Consumer Protection from Unfair Trading Regulations 2008.”.

Energy Information (Household Electric Ovens) Regulations 2003

99. In Schedule 6 to the Energy Information (Household Electric Ovens) Regulations 2003(24) (offences, enforcement and other matters), in paragraph 12(3)—

(a) omit paragraph (i), and

(b) after paragraph (h) insert—

“(j) any subordinate legislation made for the purpose of securing compliance with Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market;

(k) any subordinate legislation made for the purpose of securing compliance with Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.”.

(19) S.R. (NI) 2000 No 169 to which there are amendments not relevant to these Regulations.

(20) S.I. 2000/914.

(21) S.I. 2000/2334, amended by S.I. 2005/55; there are other amending instruments but none is relevant.

(22) S.I. 2002/3045.

(23) S.I. 2003/419 (N.I. 6).

(24) S.I. 2003/751.

Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003

100.—(1) The Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003(25) is amended as follows.

- (2) In the Schedule (listed directives)—
 - (a) omit the entry for Council Directive [84/450/EEC](#) of 10th September 1984 relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising;
 - (b) in the entry in the column headed “Specified UK laws” in respect of Directive [1999/44/EC](#) omit from sub-paragraph (iv) “and articles 4 and 5 of the Consumer Transactions (Restrictions on Statements) Order 1976 (consumer guarantees)”;
 - (c) after the entry for Directive [2002/65/EC](#) insert—

“Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market	Consumer Protection from Unfair Trading Regulations 2008”.
---	--

Enterprise Act 2002 (Part 8 Notice to OFT of Intended Prosecution, Specified Enactments, Revocation and Transitional Provision) Order 2003

101.—(1) In the Schedule to the Enterprise Act 2002 (Part 8 Notice to OFT of Intended Prosecution, Specified Enactments, Revocation and Transitional Provision) Order 2003(26) the table is amended as follows.

- (2) In the entry in the column headed “Extent of Specification” in respect of the Consumer Protection Act 1987(27) omit “and all offences under Part III (misleading price indications)”.
- (3) Omit the entry for the Fair Trading Act 1973(28).
- (4) Omit the entry for the Mock Auctions Act 1961(29).
- (5) After the entry for the Trade Marks Act 1994(30) insert—

“Consumer Protection from Unfair Trading Regulations 2008.	All offences under those Regulations.”.
--	---

(6) In the entry in the column headed “Extent of Specification” in respect of the Weights and Measures Act 1985(31) omit “29 misrepresentation”.

Enterprise Act 2002 (Part 8 Domestic Infringements) Order 2003

102.—(1) The Enterprise Act 2002 (Part 8 Domestic Infringements) Order 2003(32) is amended as follows.

- (2) In the Schedule (specified acts or omissions)—
 - (a) omit the entries for—

(25) [S.I. 2003/1374](#), amended by [S.I. 2004/2095](#); there are other amending instruments but none is relevant.
 (26) [S.I. 2003/1376](#), to which there are amendments not relevant to these Regulations.
 (27) [1987 c.43](#).
 (28) [1973 c.41](#).
 (29) [1987 c.47](#).
 (30) [1994 c.26](#).
 (31) [1985 c.72](#).
 (32) [S.I. 2003/1593](#).

- (i) the Business Advertisements (Disclosure) Order 1977(33);
- (ii) the Consumer Protection Act 1987(34);
- (iii) the Consumer Transactions (Restrictions on Statements) Order 1976(35);
- (iv) the Control of Misleading Advertisements Regulations 1988(36);
- (v) the Mock Auctions Act 1961;
- (vi) the Consumer Protection (Northern Ireland) Order 1987(37);
- (b) in the column headed “Extent” in respect of the Weights and Measures Act 1985 omit “29 (misrepresentation),”;
- (c) in the column headed “Extent” in respect of the Weights and Measures (Northern Ireland) Order 1981, for the words “Articles 19(1) to (6)” to the end, substitute “Articles 19(1) to (6), 20, 22(1) and (3) to (9) (requirements to sell goods by particular quantities, short weight, quantity less than stated, incorrect statements, etc), 25(2) (offences due to default of third person) and 32(5) (possession for sale, etc, of inadequate regulated package).”

Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003

103.—(1) The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003(38) is amended as follows.

(2) In Schedule 3—

- (a) omit the words “Control of Misleading Advertisements Regulations 1988”;
- (b) add after “General Product Safety Regulations 2005”—

“Consumer Protection from Unfair Trading Regulations 2008.

Business Protection from Misleading Marketing Regulations 2008.”.

(3) In Schedule 4—

- (a) omit the words “Control of Misleading Advertisements Regulations 1988”;
- (b) add after “Parts 2 and 3 of the Railways and Other Guided Transport Systems (Safety) Regulations 2006”—

“Consumer Protection from Unfair Trading Regulations 2008.

Business Protection from Misleading Marketing Regulations 2008.”.

Price Marking (Food and Drink) Services Order 2003

104. The Price Marking (Food and Drink) Services Order 2003(39) is revoked.

Control of Misleading Advertisements (Amendment) Regulations 2003

105. The Control of Misleading Advertisements (Amendment) Regulations 2003(40) are revoked.

(33) S.I. 1977/1918.

(34) 1987 c.43.

(35) S.I. 1976/1813.

(36) S.I. 1988/915.

(37) S.I. 1987/2049 (N.I.20).

(38) S.I. 2003/1400; relevant amending instruments are S.I. 2005/1803, 2006/1057.

(39) S.I. 2003/2253.

(40) S.I. 2003/3183.

Price Marking (Food and Drink) Services Order (Northern Ireland) 2004

106. The Price Marking (Food and Drink) Services Order (Northern Ireland) 2004(41) is revoked.

Energy Information (Household Refrigerators and Freezers) Regulations 2004

107. In Schedule 6 to the Energy Information (Household Refrigerators and Freezers) Regulations 2004(42) (offences, enforcement and other matters), in paragraph 12(3)—

- (a) omit paragraph (h); and
- (b) after paragraph (g) insert—
 - “(i) any subordinate legislation made for the purpose of securing compliance with Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market;
 - (j) any subordinate legislation made for the purpose of securing compliance with Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.”.

Consumer Credit (Advertisements) Regulations 2004

108.—(1) The Consumer Credit (Advertisements) Regulations 2004(43) are amended as follows.

- (2) In regulation 1(2) (citation, commencement and interpretation) omit the definitions of “hire advertisement” and of “hire payment”.
- (3) In regulation 2 (duty to comply) omit “or a hire advertisement”.
- (4) In regulation 3 (general requirements) omit “or hire advertisement”.
- (5) In regulation 4 (content of advertisements)—
 - (a) in paragraph 1 omit “, and where a hire advertisement includes any of the amounts referred to in paragraph 4 or 5 of Schedule 3 to these Regulations,”;
 - (b) in paragraph 2 omit “in the case of credit advertisement, and the items of information listed in Schedule 3 in the case of a hire advertisement,”;
 - (c) in paragraph 3(b) omit “or hire advertisement, as the case may be,”.
- (6) In regulation 7 (security)—
 - (a) in paragraph 1 omit “or hire advertisement”;
 - (b) omit paragraph 5;
 - (c) omit paragraph 7;
 - (d) in paragraph 8 for “Paragraphs (2)-(7)” substitute “Paragraphs (2), (3), (4) and (6)”.
- (7) In regulation 9(2) (restrictions on certain expressions in credit advertisements) omit “, and a hire advertisement shall not include in relation to any hire payment,”.
- (8) Omit Schedule 3.

(41) S.R. (NI) 2004 No 369.

(42) S.I. 2004/1468.

(43) S.I. 2004/1484, amended by S.I. 2004/2619.

Contracting Out (Functions relating to Broadcast Advertising) and Specification of Relevant Functions Order 2004

109.—(1) The Contracting Out (Functions relating to Broadcast Advertising) and Specification of Relevant Functions Order 2004⁽⁴⁴⁾ is amended as follows.

- (2) In article 2 (interpretation), in paragraph (1), omit the definition of “the 1988 Regulations”.
- (3) Omit article 6.
- (4) In article 8 (exercise of functions by an authorised person), in paragraph (3), omit sub-paragraph (e) and the “and” preceding it.

Financial Services (Distance Marketing) Regulations 2004

110.—(1) The Financial Services (Distance Marketing) Regulations 2004⁽⁴⁵⁾ are amended as follows.

- (2) In regulation 15 (unsolicited services) omit paragraphs (2), (3), (5), (6) and (7).
- (3) In regulation 22 (offences)—
 - (a) in paragraph (2) omit “, or under regulation 15(2) or (3),”;
 - (b) in paragraph (4) omit “, or under regulation 15(2) or (3),”;
 - (c) in paragraph (5) omit “or under regulation 15(2) or (3),”.

Duty Stamps Regulations 2006

111. In regulation 10 of the Duty Stamps Regulations 2006⁽⁴⁶⁾ (disqualification from being registered), in paragraph (7)(b)—

- (a) after “Forgery and Counterfeiting Act 1981” insert—

“an offence under regulation 6 of the Business Protection from Misleading Marketing Regulations 2008 (but only if the goods to which the advertising in question related were, or included, dutiable alcoholic liquor);”;
- (b) at the end add—

“an offence under regulation 8, 9, 10, 11 or 12 of the Consumer Protection from Unfair Trading Regulations 2008 (but only if the product to which the unfair commercial practice related was, or included, dutiable alcoholic liquor);”.

The Water and Sewerage Services (Northern Ireland) Order 2006

112. In Article 265 of the Water and Sewerage Services (Northern Ireland) Order 2006⁽⁴⁷⁾ (restriction on disclosure of information), in paragraph (5)—

- (a) omit sub-paragraph (h);
- (b) after sub-paragraph (q) add—
 - “(r) the Business Protection from Misleading Marketing Regulations 2008;
 - (s) the Consumer Protection from Unfair Trading Regulations 2008.”.

⁽⁴⁴⁾ S.I. 2004/1975.

⁽⁴⁵⁾ S.I. 2004/2095.

⁽⁴⁶⁾ S.I. 2006/202.

⁽⁴⁷⁾ S.I. 2006/3336 (N.I.21).

Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2006

113. In the Schedule to the Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2006(48) (listed Directives and Regulation) omit the entry for Directive 97/55/EC of the European Parliament and of the Council of 6 October 1997.

Licensing (Relevant Offences) (Scotland) Regulations 2007

114. In the Schedule to the Licensing (Relevant Offences) (Scotland) Regulations 2007(49) (relevant offences), at the end insert—

“**45.** An offence under regulation 6 of the Business Protection from Misleading Marketing Regulations 2008 (offence of misleading advertising) in circumstances where the advertising in question relates to alcohol or to goods that include alcohol.

46. An offence under regulation 8, 9, 10, 11 or 12 of the Consumer Protection from Unfair Trading Regulations 2008 (offences relating to unfair commercial practices) in circumstances where the commercial practice in question is directly connected with the promotion, sale or supply of alcohol or of a product that includes alcohol.”.

Legislative and Regulatory Reform (Regulatory Functions) Order 2007

115.—(1) In the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(50), Part 3 is amended as follows.

(2) In the heading “Consumer and business protection”—

- (a) omit the words “Textile Products (Determination of Composition) Regulations 2006”;
- (b) after the entry for the Electromagnetic Compatibility Regulations 2006(51) insert—

“Textile Products (Determination of Composition) Regulations 2008

Business Protection from Misleading Marketing Regulations 2008

Consumer Protection from Unfair Trading Regulations 2008.”.

(48) S.I. 2006/3372.

(49) S.S.I. 2007/513.

(50) S.I. 2007/3544.

(51) S.I. 2006/3418.