EXPLANATORY NOTE

(This note is not part of the Regulations)


Following representations made by the EC Commission to the effect that the earlier 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 Community, these regulations seek to put the matter beyond doubt in relation to Great Britain. Whether or not it would otherwise be required to do so, a court or tribunal is required to apply the regulations in the case mentioned above, provided that the law of the other member state so permits. The earlier regulations already made provision for the converse case, thus permitting agents in Great Britain to agree to the application of the law of another member state. The amendment restates this provision.

The Explanatory Note to the earlier 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 earlier regulations. They also correct a misspelling in regulation 17.