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STATUTORY INSTRUMENTS

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**2004 No. 1178**

**ELECTRONIC COMMUNICATIONS**

The Electronic Commerce (EC  
Directive) (Extension) Regulations 2004

<i>Made</i>	- - - -	<i>19th April 2004</i>
<i>Laid before Parliament</i>		<i>21st April 2004</i>
<i>Coming into force</i>	- -	<i>14th May 2004</i>

The Secretary of State for Trade and Industry, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to information society services, in exercise of the powers conferred on her by the said section 2(2), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Electronic Commerce (EC Directive) (Extension) Regulations 2004 and shall come into force on 14<sup>th</sup> May 2004.

**Application of the E-Commerce Regulations**

2. The Electronic Commerce (EC Directive) Regulations 2002<sup>(3)</sup> shall apply to the Sexual Offences Act 2003<sup>(4)</sup> notwithstanding regulation 3(2) of those Regulations.

**Amendment of the E-Commerce Regulations**

3.—(1) The Electronic Commerce (EC Directive) Regulations 2002 are amended as follows.

(2) For regulation 3(2) there is substituted—

“(2) These Regulations shall not apply in relation to any Act passed on or after the date these Regulations are made or in relation to the exercise of a power to legislate after that date.”.

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(1) [S.I. 2001/2555](#).

(2) [1972 c. 68](#).

(3) [S.I. 2002/2013](#), to which there are amendments not relevant to these Regulations.

(4) [2003 c. 42](#).

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**Status:** This is the original version (as it was originally made).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

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19th April 2004

*Stephen Timms,*  
Minister of State for Energy, E-Commerce and  
Postal Services,  
Department of Trade and Industry

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## EXPLANATORY NOTE

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

The Electronic Commerce (EC Directive) Regulations 2002 (S.I.2002/2013) (“the E-Commerce Regulations”) transpose into national law Articles 3, 5, 6, 7(1), 10 to 14, 18(2) and 20 of Directive 2000/31/EC of the European Parliament and of the Council of 8th June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (“the Directive”). However, regulation 3(2) of the E-Commerce Regulations provides that those regulations do not apply in relation to any Act passed on or after the date on which they were made, or in exercise of a power to legislate after that date (30th July 2002), so that they do not have prospective effect.

These Regulations provide that the E-Commerce Regulations apply to the Sexual Offences Act 2003. The effect of these Regulations is that the Act must be read in a way that is compatible with the requirements of the E-Commerce Regulations.

These Regulations also remove a defect in the drafting of regulation 3(2) of the E-Commerce Regulations by inserting words that were omitted in error.

A transposition note setting out how the main elements of the Directive are transposed into law was placed in the libraries of both Houses of Parliament when the E-Commerce Regulations were laid. Copies are also available from the International Communications Unit, Department of Trade and Industry, Bay 202, 151 Buckingham Palace Road, London SW1W 9SS.