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STATUTORY INSTRUMENTS

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**2009 No. 2999**

**The Provision of Services Regulations 2009**

**PART 1**

INTRODUCTORY

**General exclusions and savings**

5.—(1) Nothing in these Regulations—

(a) requires or prohibits—

- (i) the opening up to competition of services of general economic interest,
- (ii) the privatisation of public entities providing services, or
- (iii) the abolition of monopolies;

(b) affects the functions of a competent authority in relation to the granting of aids covered by [<sup>F1</sup>retained EU law] on competition;

(c) prevents a competent authority from determining <sup>F2</sup>... what it considers to be a service of general economic interest, how services of general economic interest should be organised and financed in compliance with State aid rules [<sup>F3</sup>in retained EU law] and what specific obligations those services should be subject to;

(d) affects the functions of a competent authority in relation to—

- (i) the law relating to employment conditions,
- (ii) the law relating to working conditions, including health and safety at work and the relationship between employers and workers, or
- (iii) the law relating to social security;

(e) affects rules of private international law, in particular rules governing the law applicable to contractual and non-contractual obligations (including those which guarantee that consumers benefit from the protection granted to them in the United Kingdom).

(2) Nothing in these Regulations applies in respect of the field of taxation.

[<sup>F4</sup>(2A) Nothing in these Regulations affects the interpretation, application or operation of any provision made by or under the Immigration Acts.]

(3) Nothing in these Regulations applies in relation to a recipient of a service who is not—

(a) an individual who is a national of [<sup>F5</sup>the United Kingdom], or

[<sup>F6</sup>(b) a business undertaking established in the United Kingdom.]

[<sup>F7</sup>(4) Nothing in Parts 3 and 6 to 8 applies in relation to a provider of a service who is not—

(a) established in the United Kingdom, and

(b) either—

- (i) an individual who is a national of the United Kingdom, or

(ii) a business undertaking.]

[<sup>F8</sup>(5) In paragraphs (3)(b) and (4)(b)(ii), “business undertaking” means any entity, whether or not a legal person, that is not an individual and includes a body corporate, a corporation sole and a partnership or other unincorporated association, engaged in activities for the purpose of trading for profit, incorporated or formed under the law of any part of the United Kingdom.]

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|-----------|---|
| <b>F1</b> | Words in <a href="#">reg. 5(1)(b)</a> substituted (31.12.2020) by <a href="#">The Provision of Services (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1329)</a> , regs. 1(1), <b>5(1)(a)</b> ; 2020 c. 1, Sch. 5 para. 1(1)          |
| <b>F2</b> | Words in <a href="#">reg. 5(1)(c)</a> omitted (31.12.2020) by virtue of <a href="#">The Provision of Services (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1329)</a> , regs. 1(1), <b>5(1)(b)(i)</b> ; 2020 c. 1, Sch. 5 para. 1(1) |
| <b>F3</b> | Words in <a href="#">reg. 5(1)(c)</a> inserted (31.12.2020) by <a href="#">The Provision of Services (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1329)</a> , regs. 1(1), <b>5(1)(b)(ii)</b> ; 2020 c. 1, Sch. 5 para. 1(1)         |
| <b>F4</b> | <a href="#">Reg. 5(2A)</a> inserted (31.12.2020) by <a href="#">Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20)</a> , s. 9(1), <b>Sch. 1 para. 3</b> (with s. 4(2)); S.I. 2020/1279, reg. 4(c)                 |
| <b>F5</b> | Words in <a href="#">reg. 5(3)(a)</a> substituted (31.12.2020) by <a href="#">The Provision of Services (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1329)</a> , regs. 1(1), <b>5(2)(a)</b> ; 2020 c. 1, Sch. 5 para. 1(1)          |
| <b>F6</b> | <a href="#">Reg. 5(3)(b)</a> substituted (31.12.2020) by <a href="#">The Provision of Services (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1329)</a> , regs. 1(1), <b>5(2)(b)</b> ; 2020 c. 1, Sch. 5 para. 1(1)                   |
| <b>F7</b> | <a href="#">Reg. 5(4)</a> substituted (31.12.2020) by <a href="#">The Provision of Services (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1329)</a> , regs. 1(1), <b>5(3)</b> ; 2020 c. 1, Sch. 5 para. 1(1)                         |
| <b>F8</b> | <a href="#">Reg. 5(5)</a> inserted (31.12.2020) by <a href="#">The Provision of Services (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1329)</a> , regs. 1(1), <b>5(4)</b> ; 2020 c. 1, Sch. 5 para. 1(1)                            |

**Changes to legislation:**

There are currently no known outstanding effects for the The Provision of Services Regulations 2009, Section 5.