

This Statutory Instrument has been made in consequence of defects in S.I. 2010/2960 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2011 No. 1065

CONSUMER PROTECTION

The Timeshare (Amendment) Regulations 2011

<i>Made</i>	- - - -	<i>2nd April 2011</i>
<i>Laid before Parliament</i>		<i>5th April 2011</i>
<i>Coming into force</i>	- -	<i>28th April 2011</i>

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to consumer protection.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

Citation and Commencement

- 1.—(1) These Regulations may be cited as the Timeshare (Amendment) Regulations 2011.
- (2) They come into force on 28th April 2011.

Amendments to the Criminal Justice and Police Act 2001

- 2.—(1) The Criminal Justice and Police Act 2001(c) is amended as follows.
- (2) In section 65 (meaning of “legal privilege”)(d)—
 - (a) in subsection (6)—
 - (i) for “regulation 32(3)” substitute “regulation 33(3)”;
 - (ii) for “regulation 32(8)” substitute “regulation 33(8)”;
 - (b) in subsection (9)(c) for “regulation 32(3)” substitute “regulation 33(3)”.
- (3) In section 66 (general interpretation of Part 2)(e), in subsection (4)(s) for “regulation 32” substitute “regulation 33”.
- (4) In Part 1 of Schedule 1 (powers to which section 50 applies)(f), in paragraph 73N for “regulation 32(3)” substitute “regulation 33(3)”.

(a) S.I. 1993/2661.
(b) 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51).
(c) 2001 c.16.
(d) Section 65 was amended by S.I. 2010/2960, Schedule 6, paragraph 2.
(e) Section 66(4) was amended by S.I. 2010/2960, Schedule 6, paragraph 2.
(f) Schedule 1 was amended by S.I. 2010/2960, Schedule 6, paragraph 2.

Amendments to the Consumer Credit (Agreements) Regulations 1983

3.—(1) The Consumer Credit (Agreements) Regulations 1983^(a) are amended as follows.

(2) For paragraph 23 in Schedule 1 substitute—

“23. Agreements that cannot be cancelled by the debtor under the Act or the Financial Services (Distance Marketing) Regulations 2004.	(3) A statement that the debtor has no right to cancel the agreement under the Consumer Credit Act 1974 or the Financial Services (Distance Marketing) Regulations 2004.”
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2nd April 2011

Edward Davey
Minister for Employment Relations, Consumer and Postal Affairs
Department for Business, Innovation and Skills

^(a) S.I. 1983/1553; relevant amending instruments are S.I. 2004/1482 and S.I. 2010/2960.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, issued free of charge, amend the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 (S.I. 2010/2960) (“the principal Regulations”) to correct drafting errors. The principal Regulations implement Directive 2008/122/EC of the European Parliament and of the Council on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts (OJ No L 33, 3.2.2009 p10).

Regulation 2 amends the Criminal Justice and Police Act 2001 to correct cross referencing errors in the amendments made by the principal Regulations. Regulation 3 amends paragraph 23 of Schedule 1 to the Consumer Credit (Agreements) Regulations 1983 (S.I. 1983/1553) to remove the reference to the principal Regulations. Paragraph 23 provides that where a credit agreement under the principal Regulations cannot be cancelled, the creditor must provide a statement to the debtor to this effect. In fact, all credit contracts which are subject to the principal Regulations benefit from a right to cancellation by the debtor and the reference to the principal Regulations is therefore otiose.

An impact assessment has not been prepared for these Regulations since they have the same effect on the costs to business and the voluntary sector as the Principal Regulations. A copy of the transposition note and impact for the principal Regulations is available from the BIS website (www.bis.gov.uk) and was placed in the libraries of both Houses of Parliament.

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