

## STATUTORY INSTRUMENTS

# 2018 No. 1326

## The Consumer Protection (Amendment etc.) (EU Exit) Regulations 2018

### PART 4

#### Amendment of subordinate legislation

PROSPECTIVE

#### Amendment of the Crystal Glass (Descriptions) Regulations 1973

<sup>F1</sup>4. ....

**F1** Reg. 4 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1347\)](#), regs. 1(3), 4(3)

PROSPECTIVE

#### Amendment of the Footwear (Indication of Composition) Labelling Regulations 1995

<sup>F2</sup>5. ....

**F2** Reg. 5 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1347\)](#), regs. 1(3), 4(4)

#### Amendment of the Consumer Protection from Unfair Trading Regulations 2008

6.—(1) The Consumer Protection from Unfair Trading Regulations 2008 <sup>M1</sup> are amended as follows.

(2) In regulation 27A(5)(b) (when does a consumer have a right to redress?), for “European Economic Area”, substitute “United Kingdom”.

(3) In Schedule 1 (commercial practices which are in all circumstances considered unfair)—

(a) in paragraph 8, after “a language which is not”, insert “English (in the case of a trader located in the United Kingdom) or not”;

(b) in paragraph 23, after “product is available in”, insert “the United Kingdom (if the product is sold there) or in”.

*Status: This version of this part contains provisions that are prospective.*  
**Changes to legislation:** There are currently no known outstanding effects for the The Consumer Protection (Amendment etc.) (EU Exit) Regulations 2018, PART 4. (See end of Document for details)

#### Commencement Information

**I1** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M1** [S.I. 2008/1277](#) as amended by [S.I. 2013/3134](#) and [S.I. 2014/870](#); there are other amending instruments but none is relevant.

### Amendment of the Consumer Rights (Payment Surcharges) Regulations 2012

7.—(1) The Consumer Rights (Payment Surcharges) Regulations 2012 <sup>M2</sup> are amended as follows.

(2) In regulation 5 (contracts where regulation 4 applies)—

(a) in paragraph (2)(b), after “cross-border healthcare”, insert “as it had effect immediately before [<sup>F3</sup>IP completion day]”;

(b) for paragraph (2)(h) substitute—

“(h) which is a regulated contract within the meaning of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010”.<sup>M3</sup>

(3) In regulation 6B (application of regulation 6A), for “an EEA state” in each place it occurs, substitute “the United Kingdom”.

**F3** Words in reg. 7(2)(a) substituted (31.12.2020 immediately before IP completion day) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1347\)](#), regs. 1(3), [4\(5\)](#)

#### Commencement Information

**I2** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M2** [S.I. 2012/3110](#) as amended by [S.I. 2017/752](#); there are other amending instruments but none is relevant.

**M3** [S.I. 2010/2960](#); there are amending instruments but none is relevant.

### Amendment of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013

8.—(1) The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 <sup>M4</sup> are amended as follows.

(2) Omit regulation 3(2) (review).

(3) In regulation 6 (limits of application: general)—

(a) for paragraph (1)(g) substitute—

“(g) which is a package travel contract within the meaning of the Package Travel and Linked Travel Arrangements Regulations 2018”.<sup>M5</sup>

(b) for paragraph (1)(h) substitute—

“(h) which is a regulated contract within the meaning of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010”.

(4) In Schedule 3 (model instructions for cancellation), in paragraph 5(b), for “EUR” in both places it occurs, substitute “£”.

**Commencement Information**

**I3** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(3)

**Marginal Citations**

**M4** S.I. 2013/3134 as amended by S.I. 2015/1629 and S.I. 2018/634; there are other amending instruments but none is relevant.

**M5** S.I. 2018/634.

**Amendment of the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015**

**9.**—(1) The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015<sup>M6</sup> are amended as follows.

(2) Omit regulation 2(2) (review).

(3) In regulation 5 (other definitions)—

- (a) omit the definition of “cross-border dispute”;
- (b) omit the definition of “EU listed body”;
- (c) omit the definition of “ODR platform”;
- (d) omit the definition of “single point of contact”.

(4) In regulation 7, after “cross-border healthcare”, insert “as it had effect immediately before [F4IP completion day]”.

(5) Omit regulation 8A (consumer information regarding the ODR platform).

(6) In regulation 10 (listing of ADR entities), for “single point of contact”, in both places it occurs, substitute “Secretary of State”.

(7) In regulation 13(4) (removal of approval), for “single point of contact”, substitute “Secretary of State”.

(8) In regulation 14 (notification of the consolidated ADR entity list)—

(a) in paragraph (1)—

- (i) in the words before paragraph (a), for “European Commission”, substitute “Secretary of State”;
- (ii) for “the relevant European Commission website”, substitute “a website nominated by the Secretary of State”;

(b) in paragraph (2)—

- (i) in the words before paragraph (a), for “European Commission”, substitute “Secretary of State”;
- (ii) for “the relevant European Commission website”, substitute “a website nominated by the Secretary of State”.

(9) In regulation 14A (the ADR entity's duty to cooperate)—

- (a) omit paragraph (1)(a);
  - (b) in paragraph (1)(b) omit “both cross border disputes and”;
  - (c) in paragraph (2), for the words from “designated by the Secretary of State” to the end, substitute “which are enforcers under Part 8 of the Enterprise Act 2002<sup>M7</sup>”.
- (10) In regulation 14B (agreement to submit disputes to an ADR entity), omit “cross-border dispute or” in each place it occurs.
- (11) For the heading of Part 3 (single point of contact), substitute “ Functions of the Secretary of State ”.
- (12) Omit regulation 17 (designation of single point of contact).
- (13) In regulation 18 (functions of single point of contact)—
- (a) in the heading, for “Functions of single point of contact”, substitute “Functions of the Secretary of State”;
  - (b) in paragraph (1)—
    - (i) for “single point of contact” substitute “Secretary of State”,
    - (ii) for “it” substitute “the Secretary of State”,
    - (iii) for sub-paragraph (b), substitute—
      - “(b) without undue delay, publish the consolidated list on a website.”;
  - (c) in paragraph (2)—
    - (i) for “single point of contact”, substitute “Secretary of State”,
    - (ii) for “its” substitute “a”,
    - (iii) omit sub-paragraph (b) and the “and” before it;
  - (d) in paragraph (3)(b) omit “or cross-border”;
  - (e) in paragraph (4)—
    - (i) for “single point of contact”, substitute “Secretary of State”,
    - (ii) for “it”, in the first place it occurs, substitute “the Secretary of State”;
  - (f) in paragraph (5), for “single point of contact”, in both places it occurs, substitute “Secretary of State”.
- (14) In regulation 19 (consumer information by traders), omit “or EU listed body” in each place it occurs.
- (15) Omit regulation 19A (consumer information by online traders and online marketplaces regarding the ODR platform).
- (16) In Schedule 3 (requirements that a competent authority must be satisfied that the person meets)—
- (a) in paragraph 1—
    - (i) in sub-paragraph (a) omit “or cross-border dispute”,
    - (ii) in sub-paragraph (b) omit “or cross-border dispute”,
    - (iii) in sub-paragraph (c) omit “or cross-border”;
  - (b) in paragraph 2—
    - (i) in sub-paragraph (a) omit “or cross-border dispute”,
    - (ii) omit sub-paragraphs (f) and (g);
  - (c) in paragraph 4 omit “or cross-border dispute”;
  - (d) in paragraph 5—

- (i) omit sub-paragraph (d),
- (ii) in sub-paragraph (e) omit “and cross-border disputes”;
- (e) in paragraph 11—
  - (i) in sub-paragraph (a) omit “in a situation where there is no conflict of laws”,
  - (ii) omit sub-paragraph (b);
- (f) omit paragraph 12;
- (g) in paragraph 13 omit “or a cross-border dispute”;
- (h) omit paragraphs 17, 18 and 19.
- (17) In Schedule 4 (information to be included in the list maintained by a competent authority)—
  - (a) in paragraph d) omit “and cross-border dispute”;
  - (b) in paragraph e) omit “and cross-border disputes”.
- (18) In Schedule 5 (information to be included in an ADR entity's annual activity report)—
  - (a) omit “and cross-border disputes” in each place it occurs;
  - (b) omit paragraph i).
- (19) In Schedule 6 (information which an ADR entity must communicate to the relevant competent authority every two years), omit paragraph f).

**F4** Words in reg. 9(4) substituted (31.12.2020 immediately before IP completion day) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1347\)](#), regs. 1(3), 4(6)

#### **Commencement Information**

**I4** Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### **Marginal Citations**

**M6** [S.I. 2015/542](#) as amended by [S.I. 2015/1392](#) and [S.I. 2015/1972](#).

**M7** [2002 c. 40](#) as amended by paragraph 95 of Schedule 18 to the [Financial Services Act 2012 \(c. 21\)](#), [paragraph 4](#) of Schedule 7 to the [Consumer Rights Act 2015 \(c. 15\)](#), [S.I. 2006/3363](#), [S.I. 2014/892](#) and [S.I. 2018/378](#). There are other amending instruments but none are relevant.

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

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