

STATUTORY INSTRUMENTS

2018 No. 1329

**EXITING THE EUROPEAN UNION
PROVISION OF SERVICES**

**The Provision of Services (Amendment
etc.) (EU Exit) Regulations 2018**

<i>Sift requirements satisfied</i>	<i>27th November 2018</i>
<i>Made - - - -</i>	<i>10th December 2018</i>
<i>Laid before Parliament</i>	<i>12th December 2018</i>
<i>Coming into force in accordance with regulation 1</i>	

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 ^{M1}.

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Marginal Citations

M1 [2018 c. 16](#).

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Provision of Services (Amendment etc.) (EU Exit) Regulations 2018 and come into force on exit day.

(2) Any amendment or revocation made by these Regulations has the same extent as the provision to which the amendment or revocation relates.

Commencement Information

11 [Reg. 1](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1, Sch. 5 para. 1\(1\)](#)

PART 2

Amendment of the Provision of Services Regulations 2009

Amendment of the Provision of Services Regulations 2009

2. The Provision of Services Regulations 2009 ^{M2} are amended in accordance with this Part.

Commencement Information

I2 [Reg. 2](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1, Sch. 5 para. 1\(1\)](#)

Marginal Citations

M2 [S.I. 2009/2999](#). Relevant amendments were made by [S.I. 2011/1043](#).

Amendment of regulation 3 (“Competent authority”)

3. In regulation 3(3), for “Parts 3 to 6” substitute “ Parts 3 and 6 ”.

Commencement Information

I3 [Reg. 3](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1, Sch. 5 para. 1\(1\)](#)

Amendment of regulation 4 (interpretation: general)

4. In regulation 4, omit the definition of “the Services Directive”.

Commencement Information

I4 [Reg. 4](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1, Sch. 5 para. 1\(1\)](#)

Amendment of regulation 5 (general exclusions and savings)

- 5.—(1) In regulation 5(1)—
- (a) in sub-paragraph (b), for “EU rules” substitute “ retained EU law ”^{M3};
 - (b) in sub-paragraph (c)—
 - (i) omit “in accordance with EU law”;
 - (ii) after “State aid rules” insert “ in retained EU law ”.
- (2) In regulation 5(3)—
- (a) in sub-paragraph (a), for “an EEA state or who otherwise benefits from rights conferred by EU acts” substitute “ the United Kingdom ”;
 - (b) for sub-paragraph (b) substitute—

“(b) a business undertaking established in the United Kingdom.”.
- (3) For regulation 5(4) substitute—
- “(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.”
- (4) In regulation 5, after paragraph (4) insert—
- “(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.”

Commencement Information

I5 Reg. 5 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M3 “Retained EU law” is defined in Schedule 1 to the Interpretation Act 1978 c. 30.

Amendment of regulation 6 (relationship with other requirements)

- 6.—(1) In regulation 6(1), omit “, 5”.
- (2) In regulation 6(2)—
- (a) in sub-paragraph (a), after “enactment” insert “ other than retained direct EU legislation ”^{M4};
 - (b) for sub-paragraph (a)(ii) substitute—

“(ii) immediately before [^{F1}IP completion day], the provision implemented an EU obligation, and”;
 - (c) in sub-paragraph (b), for “a directly applicable EU instrument” substitute “ retained direct EU legislation ”;
 - (d) for sub-paragraph (b)(ii) substitute—

“(ii) immediately before [^{F2}IP completion day], the provision was contained in an EU instrument that came into force before these Regulations were made.”
- (3) In regulation 6(3), omit “or 4”.
- (4) In regulation 6(4)—
- (a) in sub-paragraph (a), after “enactment” insert “ other than retained direct EU legislation ”;
 - (b) in sub-paragraph (b), for “a directly applicable EU instrument” substitute “ retained direct EU legislation ”;
 - (c) for sub-paragraph (b)(ii) substitute—

“(ii) immediately before [^{F3}IP completion day], the provision was contained in an EU instrument that came into force before these Regulations were made.”

F1 Words in reg. 6(2)(b) substituted (31.12.2020 immediately before IP completion day) by The Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1038), regs. 1(3), 3(2)(a)

F2 Words in reg. 6(2)(d) substituted (31.12.2020 immediately before IP completion day) by The Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1038), regs. 1(3), 3(2)(a)

F3 Words in [reg. 6\(4\)\(c\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), [regs. 1\(3\), 3\(2\)\(a\)](#)

Commencement Information

I6 [Reg. 6](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1, Sch. 5 para. 1\(1\)](#)

Marginal Citations

M4 “Retained direct EU legislation” is defined in Schedule 1 to the Interpretation Act [1978 c. 30](#).

Amendment of regulation 8 (other information to be made available)

7. In regulation 8(1)—
- (a) omit sub-paragraph (f);
 - (b) in sub-paragraph (g), after “assessment” insert “ or the registration number as defined in regulation 2(1) of the Value Added Tax Regulations 1995 ”^{M5} ;
 - (c) in sub-paragraph (h), for “the professional title and the EEA state in which that title has been granted” substitute “ and the professional title ”.

Commencement Information

I7 [Reg. 7](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1, Sch. 5 para. 1\(1\)](#)

Marginal Citations

M5 [S.I. 1995/2518](#).

Amendment of regulation 9 (information to be supplied on request etc)

8. In regulation 9(1)(b), omit “in the EEA state in which the provider is established”.

Commencement Information

I8 [Reg. 8](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1, Sch. 5 para. 1\(1\)](#)

Amendment of regulation 13 (application of this Part)

9. In regulation 13—
- (a) in paragraph (1), omit “except as specified in paragraph (2)”;
 - (b) omit paragraph (2).

Commencement Information

I9 [Reg. 9](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1, Sch. 5 para. 1\(1\)](#)

Amendment of regulation 14 (authorisation schemes)

- 10.—(1) Omit regulation 14(2)(a).
- (2) In regulation 14(3)—

- (a) in sub-paragraph (a), for “implementing an EU obligation” substitute “ other than retained direct EU legislation which, immediately before [^{F4}IP completion day], implemented an EU obligation ”;
- (b) for sub-paragraph (b) substitute—
 - “(b) a provision of retained direct EU legislation which, immediately before [^{F4}IP completion day], was contained in an EU instrument that came into force before these Regulations were made.”.

F4 Words in [reg. 10\(2\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), [regs. 1\(3\)](#), [3\(2\)\(b\)](#)

Commencement Information

I10 [Reg. 10](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Amendment of regulation 15 (conditions for the granting of authorisation)

- 11.**—(1) Omit regulation 15(2)(a).
- (2) In regulation 15(3)(a), omit “or in another EEA state”.

Commencement Information

I11 [Reg. 11](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Amendment of regulation 17 (selection from among several candidates)

- 12.** In regulation 17(4), for “EU law” substitute “ retained EU law ”.

Commencement Information

I12 [Reg. 12](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Amendment of regulation 21 (prohibited requirements)

- 13.**—(1) In regulation 21(1), omit sub-paragraphs (a) – (d) and (g).
- (2) Omit regulation 21(4).

Commencement Information

I13 [Reg. 13](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Amendment of regulation 22 (requirements subject to evaluation)

- 14.**—(1) In regulation 22(2)(d)—
 - (a) in paragraph (i), after “covered by” insert “ retained EU law which, immediately before [^{F5}IP completion day], implemented an obligation under ”;
 - (b) in paragraph (ii), for “EU instruments” substitute “ retained EU law ”.

- (2) Omit regulation 22(3)(a).
 (3) In regulation 22(5), omit “, in accordance with EU law.”.

F5 Words in [reg. 14\(1\)\(a\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), regs. 1(3), **3(2)(c)**

Commencement Information

I14 [Reg. 14](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1](#), **Sch. 5 para. 1(1)**

Revocation of Part 4 (duties of competent authorities in relation to providers of services provided from another EEA state)

- 15.** Omit Part 4.

Commencement Information

I15 [Reg. 15](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1](#), **Sch. 5 para. 1(1)**

Revocation of Part 5 (recipients of services)

- 16.** Omit Part 5.

Commencement Information

I16 [Reg. 16](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1](#), **Sch. 5 para. 1(1)**

Amendment of regulation 31 (certificates and other documents)

- 17.**—(1) In regulation 31(3)(a), for “another EU instrument” substitute “other retained EU law”.
 (2) Omit regulation 31(5)(a) – (e).
 (3) For regulation 31(5)(h) substitute—
 “(h) regulations 61(1), 61(4) and (5) and 63 of the Public Contracts (Scotland) Regulations 2015;”.
 (4) For regulation 31(5)(k) substitute—
 “(k) regulations 38, 39 and 40 of the European Union (Recognition of Professional Qualifications) Regulations 2015.”.

Commencement Information

I17 [Reg. 17](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1](#), **Sch. 5 para. 1(1)**

Revocation of regulation 33 (insurance)

- 18.** Omit regulation 33.

Commencement Information

I18 Reg. 18 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

Amendment of regulation 34 (commercial communications by regulated professions)

19. Omit regulation 34(3)(a).

Commencement Information

I19 Reg. 19 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

Revocation of Part 9 (administrative co-operation between EEA states)

20. Omit Part 9.

Commencement Information

I20 Reg. 20 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

Revocation of regulation 46 (disclosure of information under Employment Agencies Act 1973)

21. Omit regulation 46.

Commencement Information

I21 Reg. 21 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

PART 3

Regulation of Insolvency Practitioners

Revocation of the Provision of Services (Insolvency Practitioners) Regulations 2009

22. The Provision of Services (Insolvency Practitioners) Regulations 2009^{M6} are revoked with the exception of regulation 4 and the amendments made by paragraph 2 and sub-paragraphs (1) to (4) and (7) of paragraph 8 of the Schedule.

Commencement Information

I22 Reg. 22 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M6 S.I. 2009/3081.

Amendment of the Insolvency Practitioner Regulations 2005

- 23.**—(1) Schedule 2 of the Insolvency Practitioner Regulations 2005 ^{M7} is amended as follows.
- (2) In the heading of paragraph 2A, omit “or professional liability insurance”.
 - (3) In paragraph 2A, omit sub-paragraph (b) and the “or” preceding it.
 - (4) Omit paragraphs 8A to 8E.
 - (5) In paragraph 9, omit sub-paragraphs (3) and (4).
 - (6) In paragraph 10—
 - (a) in sub-paragraph (1), for “The documents in sub-paragraph (2)” substitute “ The bond referred to in paragraph 3 ”;
 - (b) omit sub-paragraph (2);
 - (c) in sub-paragraph (3) for “The document in sub-paragraph (2)” substitute “ The bond referred to in paragraph 3 ”.
 - (7) In paragraph 11 omit sub-paragraphs (4) and (5).

Commencement Information

I23 Reg. 23 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M7 S.I. 2005/524. Relevant amendments were made by S.I. 2009/3081.

Revocation of the Provision of Services (Insolvency Practitioners) Regulations (Northern Ireland) 2009

24. The Provision of Services (Insolvency Practitioners) Regulations (Northern Ireland) 2009 ^{M8} are revoked with the exception of regulation 3 and the amendments made by sub-paragraphs (1) to (4) and (7) of paragraph 8 of the Schedule.

Commencement Information

I24 Reg. 24 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M8 S.I. 2009/401

Amendment of the Insolvency Practitioner Regulations (Northern Ireland) 2006

- 25.**—(1) Schedule 2 of the Insolvency Practitioner Regulations (Northern Ireland) 2006 ^{M9} is amended as follows.
- (2) In the heading of paragraph 2A, omit “or professional liability insurance”.
 - (3) In paragraph 2A, omit sub-paragraph (b) and the “or” preceding it.
 - (4) Omit paragraphs 8A to 8E.
 - (5) In paragraph 9, omit sub-paragraphs (3) and (4).
 - (6) In paragraph 10—

- (a) in sub-paragraph (1), for “The documents in sub-paragraph (2)” substitute “ The bond referred to in paragraph 3 ”;
- (b) omit sub-paragraph (2);
- (c) in sub-paragraph (3) for “The document in sub-paragraph (2)” substitute “ The bond referred to in paragraph 3 ”.

Commencement Information

I25 Reg. 25 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M9 S.I. 2006/33

26. In paragraph 11 omit sub-paragraphs (5) and (6).

Commencement Information

I26 Reg. 26 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

PART 4

Amendment of the Employment Agencies Act 1973

Amendment of the Employment Agencies Act 1973

- 27.—(1) The Employment Agencies Act 1973^{M10} is amended as follows.
- (2) In section 9(4) (information obtained during inspection), omit paragraph (a)(vi).

Commencement Information

I27 Reg. 27 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M10 1973 c. 35. Relevant amendments were made by S.I. 2009/2999.

PART 5

Amendment of retained direct EU legislation

Revocation of Commission Decision 2009/739/EC

28. Commission Decision 2009/739/EC of 2 October 2009 setting out the practical arrangements for the exchange of information means between Member States under Chapter VI of Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market is revoked.

Changes to legislation: There are currently no known outstanding effects for the The Provision of Services (Amendment etc.) (EU Exit) Regulations 2018. (See end of Document for details)

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Commencement Information

I28 [Reg. 28](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Signed by authority of the Secretary of State for Business, Energy and Industrial Strategy

Department for Business, Energy and Industrial Strategy *Richard Harrington*
Parliamentary Under Secretary of State, Minister
for Business and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in sections 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), 8(2)(c) and 8(3)(a)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of the provision of services. Parts 2 and 3 amend subordinate legislation, Part 4 amends the Employment Agencies Act 1973 (c. 35) and Part 5 revokes other legislation.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Provision of Services (Amendment etc.) (EU Exit) Regulations 2018.