

## STATUTORY INSTRUMENTS

# 2019 No. 1361

## The Electronic Commerce and Solvency 2 (Amendment etc.) (EU Exit) Regulations 2019

### PART 3

#### Amendments relating to electronic commerce

#### CHAPTER 1

#### Amendment of sections 417 and 418 of the 2000 Act

#### Amendment of sections 417 and 418 of the 2000 Act

3. In section 417 of the 2000 Act (definitions)—
- (a) in subsection (1), omit the definitions of “electronic commerce directive”, “information society service” and “the Treaty”<sup>M1</sup>;
  - (b) omit subsection (4)<sup>M2</sup>.

#### Commencement Information

- I1** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2) (as amended by S.I. 2019/1390, regs. 1(2), 6)

#### Marginal Citations

- M1** The definitions of “electronic commerce directive” and “information society service” were inserted by S.I. 2002/1775.
- M2** Subsection (4) was inserted by S.I. 2002/1775 and amended by S.I. 2012/1809.

4. In section 418 (carrying on regulated activities in the United Kingdom) of the 2000 Act, omit subsection (5A)<sup>M3</sup>.

#### Commencement Information

- I2** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2) (as amended by S.I. 2019/1390, regs. 1(2), 6)

#### Marginal Citations

- M3** Subsection (5A) was inserted by S.I. 2002/1775.

## CHAPTER 2

### Amendment of subordinate legislation

#### Amendment of the 2001 Order

- 5.—(1) The 2001 Order is amended as follows.
- (2) Omit article 72A <sup>M4</sup> (information society services).
- (3) In consequence of the amendment made by paragraph (2)—
- (a) in articles 9AA, 58A and 60A <sup>M5</sup>—
- (i) for “exclusions” substitute “ exclusion ”;
  - (ii) omit “article 72A (information society services) and”;
  - (iii) in the heading, omit “Information society services and”;
- (b) in article 12A <sup>M6</sup>—
- (i) for “exclusions” substitute “ exclusion ”;
  - (ii) omit “article 72A (information society services), as qualified by paragraph (2) of that article, and”;
  - (iii) in the heading, omit “Information society services and”;
- (c) in articles 20, 24, 36(1) and (2), 36G, 39, 39C, 44, 50, 55(1) and (2), 60K, 63A, 63E, 63I, 63M and 65 <sup>M7</sup> omit “72A (information society services),”;
- (d) omit article 36I <sup>M8</sup>;
- (e) in article 39L <sup>M9</sup> omit “article 72A (information society services),”;
- (f) in articles 51A and 52A <sup>M10</sup>, for “article 72A (information society services),” substitute “ articles ”;
- (g) in article 60R <sup>M11</sup> omit “the exclusion in article 72A (information society services) and”;
- (h) in article 89D <sup>M12</sup> omit paragraph (1) and the word “also” in paragraph (2).

#### Commencement Information

- I3** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)** (as amended by S.I. 2019/1390, **regs. 1(2), 6**)

#### Marginal Citations

- M4** Article 72A was inserted by [S.I. 2002/1776](#).
- M5** Articles 9AA, 58A and 60A were inserted by [S.I. 2002/1776](#) and amended by [S.I. 2013/1773](#).
- M6** Article 12A was inserted by [S.I. 2002/1776](#) and amended by [S.I. 2013/1773](#).
- M7** Articles 20 was amended (so far as relevant) by [S.I. 2013/1773](#). Articles 24 and 39 were amended (so far as relevant) by [S.I. 2003/1476](#). Article 36 was amended (so far as relevant) by [S.I. 2003/1476](#) and [S.I. 2013/1773](#). Article 36G was inserted by [S.I. 2013/1881](#) and amended by [S.I. 2014/366](#) and [S.I. 2015/910](#). Article 39C was inserted by [S.I. 2003/1476](#). Article 44 was amended (so far as relevant) by [S.I. 2002/1776](#) and [S.I. 2003/1476](#). Article 50 were amended (so far as relevant) by [S.I. 2002/1776](#) and [S.I. 2013/1773](#). Article 55 was amended by [S.I. 2003/1475](#), [S.I. 2003/1476](#) and [S.I. 2013/1773](#). Article 60K was inserted by [S.I. 2013/1881](#) and amended by [S.I. 2015/910](#). Article 63A was inserted by [S.I. 2002/1776](#) and amended (so far as relevant) by [S.I. 2013/1773](#) and 2014/366. Article 63E was inserted by [S.I. 2006/2383](#) and amended (so far as relevant) by [S.I. 2013/1773](#) and [S.I. 2014/366](#).

**Changes to legislation:** *The Electronic Commerce and Solvency 2 (Amendment etc.) (EU Exit) Regulations 2019, PART 3 is up to date with all changes known to be in force on or before 29 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- Article 63M was inserted by [S.I. 2009/1342](#) and was amended (so far as relevant) by [S.I. 2013/1773](#) and [S.I. 2014/366](#). Article 65 was substituted by [S.I. 2002/1776](#) and was amended by [S.I. 2014/366](#).
- M8** Article 63I was inserted by [S.I. 2006/2383](#) and was amended (so far as relevant) by [S.I. 2013/1773](#) and [2014/366](#).
- M9** Article 39L was inserted by [S.I. 2013/1881](#).
- M10** Articles 51A and 52A were inserted by [S.I. 2002/1776](#) and were amended by [S.I. 2014/366](#).
- M11** Article 60R was inserted by [S.I. 2013/1881](#).
- M12** Article 89D was inserted by [S.I. 2013/1881](#) and was amended by [S.I. 2014/366](#).

### Amendment of the 2002 Regulations

6.—(1) The 2002 Regulations are amended as follows.

(2) Omit regulations 2 to 18.

(3) In regulation 19<sup>M13</sup>—

(a) omit paragraph (1);

(b) for paragraph (2), substitute—

“(2) Regulation 4(3) of the general regulations does not apply to the Authority or any enforcement authority in respect of its responsibility in relation to a requirement imposed by or under the 2000 Act or these Regulations.

(2A) Regulation 4(3) of the general regulations also does not apply to the Authority in respect of its responsibility in relation to a requirement imposed by or under regulations made by the Treasury under section 8 of the European Union (Withdrawal) Act 2018.”;

(c) in paragraph (5)—

(i) before the definition of “enforcement authority”, insert—

““the Authority” means the Financial Conduct Authority;”;

(ii) after the definition of “general regulations”, insert—

““rule” means a rule made by the Authority under the 2000 Act.”

#### Commencement Information

**I4** 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\(2\)](#) (as amended by [S.I. 2019/1390, regs. 1\(2\), 6](#))

#### Marginal Citations

**M13** Regulation 19 was inserted by [S.I. 2002/2015](#).

### Amendment of the Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001

7. In the Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001<sup>M14</sup>, omit regulation 12B (electronic commerce).

#### Commencement Information

**I5** 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\(2\)](#) (as amended by [S.I. 2019/1390, regs. 1\(2\), 6](#))

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#### Marginal Citations

**M14** [S.I. 2001/2188](#). Regulation 12B was inserted by the 2002 Regulations and amended by [S.I. 2013/472](#).

### Amendment of the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001

**8.** In regulation 3 (private person) of the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001 <sup>M15</sup>, in paragraph (1)(a)(ii), omit “or 72A (information society services)”.

#### Commencement Information

**I6** 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\(2\)](#) (as amended by [S.I. 2019/1390, regs. 1\(2\), 6](#))

#### Marginal Citations

**M15** [S.I. 2001/2256](#). Regulation 3(1)(a)(ii) was amended by the 2002 Regulations; there are other amending instruments but none is relevant.

### Amendment of the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005

**9.** In article 2 (interpretation: general) of the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 <sup>M16</sup>, in paragraph (1), at the appropriate place, insert—

““information society service” is to be read in accordance with the definition of “information society services” in regulation 2 of the Electronic Commerce (EC Directive) Regulations 2002;”.

#### Commencement Information

**I7** 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\(2\)](#) (as amended by [S.I. 2019/1390, regs. 1\(2\), 6](#))

#### Marginal Citations

**M16** [S.I. 2005/1529](#), to which there are amendments not relevant to these Regulations.

### Revocation of the Electronic Commerce Directive (Financial Services and Markets) (Amendment) Order 2015

**10.** The Electronic Commerce Directive (Financial Services and Markets) (Amendment) Order 2015 <sup>M17</sup> is revoked.

#### Commencement Information

**I8** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#) (as amended by [S.I. 2019/1390, regs. 1\(2\), 6](#))

#### Marginal Citations

**M17** [S.I. 2015/852](#).

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)