

STATUTORY INSTRUMENTS

2019 No. 574

The Financial Services (Distance Marketing) (Amendment and Savings Provisions) (EU Exit) Regulations 2019

PART 3

European Union (Withdrawal) Act 2018: amendment of the 2004 Regulations

Amendment of the 2004 Regulations

4. The 2004 Regulations are amended as follows.

Commencement Information

I1 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(3)

Amendment of regulation 2

5. In regulation 2(1) (interpretation)—

- (a) omit the definition of “the European Consumer Credit Information form”^{F1};
- (b) after the definition of “means of distance communication”, insert—
““the Pre-Contract Credit Information (Overdrafts) form” means the form set out in Schedule 3 to the Disclosure of Information Regulations;”.

F1 The definition of “the European Consumer Credit Information form” was inserted by [S.I. 2010/1010](#).

Commencement Information

I2 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\(3\)](#)

Amendment of regulation 4

6. In regulation 4 (scope)—

- (a) for paragraph (1) substitute—

“(1) Regulations 7 to 11 do not apply in relation to any contract made between an EEA supplier contracting from an establishment in an EEA State and a consumer in the United Kingdom unless the EEA supplier is—

- (a) a payments supplier,
- (b) a relevant EEA AIFM, or
- (c) the operator, trustee or depositary of a relevant recognised scheme.

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(1A) Regulations 12 and 13 do not apply in relation to any contract made between an EEA supplier contracting from an establishment in an EEA State and a consumer in the United Kingdom unless the EEA supplier is—

- (a) an authorised person, or
- (b) a payments supplier.

(1B) Regulation 15 does not apply in relation to any supply of financial services by an EEA supplier from an establishment in an EEA State to a consumer in the United Kingdom unless the EEA supplier is—

- (a) a payments supplier,
- (b) a relevant EEA AIFM, or
- (c) the operator, trustee or depositary of a relevant recognised scheme

(1C) For the purposes of paragraphs (1) to (1B)—

“payments supplier” means an EEA supplier to whom paragraph 2 or 14 of Schedule 3 to the Electronic Money, Payment Services and Payment Systems (Amendment and Transitional Provisions) (EU Exit) Regulations 2018 applies;

“relevant EEA AIFM” means an EEA AIFM (within the meaning given in regulation 78A(1)(b) of the Alternative Investment Fund Managers Regulations 2013) to whom regulation 78B of those Regulations applies.”

F2

- (b) in paragraph (6), for “paragraph (5)” substitute “ paragraphs (1), (1B) and (5) ”.

F2 [S.I. 2018/1201](#) and [S.I. 2013/1773](#). Regulations 78A and 78B of the 2013 Regulations were inserted by the [Alternative Investment Fund Managers \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) ([S.I. 2019/328](#)).

Commencement Information

I3 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\(3\)](#)

Amendment of regulation 7

7. In regulation 7 (information required prior to the conclusion of the contract)—

- (a) in paragraph (1A) ^{F3}, omit “, 17”;
- (b) in paragraph (7)(a) for “European Consumer Credit Information form” substitute “ Pre-contract Credit Information (Overdrafts) form ”.

F3 Paragraph (1A) of regulation 7 was inserted by [S.I. 2009/209](#) and amended by [S.I. 2017/752](#).

Commencement Information

I4 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\(3\)](#)

Amendment of regulation 8

8. In regulation 8 (written and additional information)—

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- (a) in paragraph (1A) ^{F4}, omit “, 17”;
- (b) in paragraph (1C)(a)(i) ^{F5}, for “European Consumer Credit Information form” substitute “Pre-contract Credit Information (Overdrafts) form”.

F4 Paragraph (1A) of regulation 8 was inserted by [S.I. 2009/209](#) and amended by [S.I. 2017/752](#)

F5 Paragraph (1C) of regulation 8 was inserted by [S.I. 2010/1010](#).

Commencement Information

I5 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\(3\)](#)

Amendment of regulation 16

9. In regulation 16 (prevention of contracting-out), for paragraph (3) substitute—

“(3) These Regulations apply despite any contract term which applies or purports to apply the law of a country other than the United Kingdom, if the contract or supply has a close connection with the United Kingdom or any part of the United Kingdom.”.

Commencement Information

I6 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\(3\)](#)

Amendment of Schedule 1

10. In Schedule 1 (information required prior to the conclusion of the contract)—

- (a) in paragraph 2, for “consumer's State of residence” substitute “ United Kingdom ”;
- (b) omit paragraph 17;
- (c) in paragraph 21, for “except to” to the end substitute “ as applicable to the contract ”.

Commencement Information

I7 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\(3\)](#)

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Changes and effects yet to be applied to :

- Regulations power to modify conferred by [2023 c. 29 s. 3Sch. 1 Pt. 2](#)
- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)