
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.

Amendment of regulation 2

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

- (a) omit the definition of “the European Consumer Credit Information form”(1);
- (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;”.

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.

(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,

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

- (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.”(2).
- (b) in paragraph (6), for “paragraph (5)” substitute “paragraphs (1), (1B) and (5)”.

Amendment of regulation 7

7. In regulation 7 (information required prior to the conclusion of the contract)—
- (a) in paragraph (1A)(3), omit “, 17”;
 - (b) in paragraph (7)(a) for “European Consumer Credit Information form” substitute “Pre-contract Credit Information (Overdrafts) form”.

Amendment of regulation 8

8. In regulation 8 (written and additional information)—
- (a) in paragraph (1A)(4), omit “, 17”;
 - (b) in paragraph (1C)(a)(i)(5), for “European Consumer Credit Information form” substitute “Pre-contract Credit Information (Overdrafts) form”.

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.”.

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”.

(2) [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](#)).

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

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

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