
STATUTORY INSTRUMENTS

2019 No. 87

The Electronic Commerce (Amendment
etc.) (EU Exit) Regulations 2019

PART 2

Amendment of subordinate legislation

Amendment of the Electronic Commerce (EC Directive) Regulations 2002

- 3.—**(1) The Electronic Commerce (EC Directive) Regulations 2002(1) are amended as follows.
- (2) In regulation 2 (interpretation), in paragraph (1)—
- (a) omit the definition of “the Commission”;
 - (b) in the definition of “established service provider”—
 - (i) for the words from “means a service provider who is” to “and who effectively pursues an economic activity” substitute—

“means a service provider who is—

 - (a) a national of the United Kingdom or a member State, or
 - (b) a company or firm as mentioned in Article 54 of the Treaty, and who effectively pursues an economic activity;”;
 - (ii) before the words “a member State for an indefinite period” insert “the United Kingdom or”;
 - (c) after the definition of “member State”, insert—

““a national of the United Kingdom” means—

 - (a) a British citizen;
 - (b) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981(2) and who has a right of abode in the United Kingdom; or
 - (c) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar;”;
 - (d) for the definition of “regulated profession”, substitute—

““regulated profession” has the meaning given in regulation 8(1) of the European Union (Recognition of Professional Qualifications) Regulations 2015(3);”.
- (3) In regulation 2 (interpretation), after paragraph (3), insert—

(1) [S.I. 2002/2013](#).

(2) [1981 c. 61](#). Within Part 4, section 31 was amended by section 1(1)(b) of the British Overseas Territories Act 2002 ([c. 8](#)), and section 33 was repealed by section 15 and section 161 of, and paragraph 1(i) of Schedule 2 and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002 ([c. 41](#)).

(3) [S.I. 2015/2059](#).

“(4) For the purposes of the definition of “established service provider” in paragraph (1), Article 54 of the Treaty is to be read as if the United Kingdom were a member State.”.

- (4) In regulation 4 (internal market)—
- (a) omit paragraphs (1) and (2);
 - (b) in paragraph (3), omit “other than the United Kingdom”;
 - (c) in paragraph (4), for “Paragraphs (1), (2) and (3)”, substitute “Paragraph (3)”;
 - (d) in paragraph (5), for “another”, substitute “a”;
 - (e) after paragraph (6), insert—
 - “(7) In paragraph (5), “Community acts” means Community acts as existed immediately before exit day.”;
 - (f) in the heading, for “Internal market”, substitute “Non-UK service providers – restriction on application of requirements”.
- (5) In regulation 5 (derogations from regulation 4), omit paragraphs (4) to (7).
- (6) In regulation 6 (general information to be provided by a person providing an information society service), in paragraph (1)—
- (a) in sub-paragraph (f)(ii), after “his professional title and”, insert “whether that title has been granted in the United Kingdom, or if not.”;
 - (b) in sub-paragraph (f)(iii), after “service provider in the”, insert “United Kingdom or”.
- (7) In regulation 10 (other information requirements), for the words from “legislation” to the end, substitute “retained EU law”.
- (8) In the Schedule, in paragraph 4, after “mandatory formal requirements”, insert “under the applicable law of the United Kingdom, or any part of it, (where the real estate is situated in the United Kingdom), or”.

Amendment of the Electronic Commerce Directive (Miscellaneous Provisions) Regulations 2018

4.—(1) The Electronic Commerce Directive (Miscellaneous Provisions) Regulations 2018(4) are amended as follows.

- (2) In regulation 1 (citation, commencement and extent), for paragraph (2), substitute—
- “(2) Subject to paragraph (3), these Regulations extend to the United Kingdom.”.
- (3) In regulation 2 (interpretation)—
- (a) in paragraph (1), omit the definition of “extreme pornography offence”;
 - (b) in paragraph (2)(a)—
 - (i) omit “in a particular part of the United Kingdom or”;
 - (ii) omit “other than the United Kingdom”;
 - (iii) omit “that part of the United Kingdom or”;
 - (iv) after “is a national of”, insert “the United Kingdom or”;
 - (c) after paragraph (2), insert—

“(3) For the purposes of paragraph (2)(a)—

 - (a) “a national of the United Kingdom” means—
 - (i) a British citizen;

- (ii) a person who is a British subject by virtue of Part 4 of the British Nationality Act 1981 and who has a right of abode in the United Kingdom;
or
 - (iii) a person who is a British overseas territories citizen by virtue of a connection with Gibraltar;
- (b) Article 54 of the Treaty on the Functioning of the European Union is to be read as if the United Kingdom were a member State.”
- (4) Omit regulation 3 (internal market – service providers established in Scotland).
 - (5) Omit regulation 4 (internal market – service providers established in England and Wales).
 - (6) Omit regulation 5 (internal market – service providers established in Northern Ireland).
 - (7) In regulation 6 (non-UK service providers – restriction on institution of proceedings), in paragraph (5), omit “other than the United Kingdom”.