

2020 No. 1420

EXITING THE EUROPEAN UNION
ELECTRONIC COMMUNICATIONS

**The Communications Act (e-Commerce) (EU Exit) Regulations
2020**

Made - - - - *3rd December 2020*

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8 of the European Union (Withdrawal) Act 2018(a).

In accordance with paragraph 1(3) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Communications Act (e-Commerce) (EU Exit) Regulations 2020 and come into force on IP completion day.

Modification of application of the Communications Act 2003

2. Any rights, powers, liabilities, obligations, restrictions, remedies and procedures applicable in relation to sections 120 to 124 and 128 to 131 of the Communications Act 2003(b) which—

- (a) continue by virtue of section 4(1) of the European Union (Withdrawal) Act 2018; and
- (b) are derived (directly or indirectly) from Article 3 of Directive 2000/31/EC of the European Parliament and of the Council on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market(c),

cease to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly).

3rd December 2020

John Whittingdale
Minister of State for Media and Data
Department for Digital, Culture, Media and Sport

(a) 2018 c. 16; section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).
(b) 2003 c. 21; there are amendments not relevant to this instrument.
(c) OJ L 178, 17.7.2000, p. 1–16.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (“the Act”) in order to address deficiencies in retained EU law arising from the withdrawal of the United Kingdom from the European Union. The deficiencies fall within section 8(2)(a), (c) and (e) and 8(3)(a) of that Act.

Regulation 2 provides that the directly effective provision of Article 3 of Directive 2000/31/EC – known as the e-Commerce Directive - which would have continued to have effect in UK law after the end of the implementation period by virtue of section 4(1) of the Act, ceases to have effect from the end of the implementation period in relation to sections 120 to 124 (which deal with regulation of premium rate telephone services) and sections 128 to 131 (which deal with persistent misuse of telephone networks) of the Communications Act 2003.

The effect is that the “country of origin” principle established by that Article ceases to have effect and the provisions of the sections of the Communications Act 2003 referred to may be enforced by the enforcement authorities irrespective of the country in which the persons against whom enforcement is taken are established.

An impact assessment has not been published for this instrument as it has no or no significant impact on the private, public and voluntary sectors.

© Crown copyright 2020

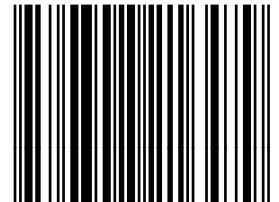
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.90

UK202012031023 12/2020 19585

<http://www.legislation.gov.uk/id/uksi/2020/1420>

ISBN 978-0-34-821647-9



9 780348 216479