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STATUTORY INSTRUMENTS

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**2015 No. 1630 (C. 94)**

**CONSUMER PROTECTION**

The Consumer Rights Act 2015 (Commencement  
No. 3, Transitional Provisions, Savings and  
Consequential Amendments) Order 2015

<i>Made</i>	- - - -	<i>27th August 2015</i>
<i>Laid before Parliament</i>		<i>28th August 2015</i>
<i>Coming into force</i>	- -	<i>1st October 2015</i>

The Secretary of State, in exercise of the powers conferred by sections 96(1) and (2), 97(1) and 100(5) and (6) of the Consumer Rights Act 2015(1), makes the following Order.

**Citation and commencement**

1. This Order may be cited as the Consumer Rights Act 2015 (Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments) Order 2015 and comes into force on 1st October 2015.

**Interpretation**

2. In this Order—

“the 2004 Regulation” means Regulation (EC) No 261/2004 of the European Parliament and of the Council(2) establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91(3);

“the 2010 Regulation” means Regulation (EU) No 1177/2010 of the European Parliament and of the Council(4) concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004(5);

“the Act” means the Consumer Rights Act 2015;

“the Carriage by Air Conventions” are—

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(1) 2015 c.15.  
(2) OJ No L 046, 17.02.2004, p1.  
(3) OJ No L 036, 08.02.1991, p5.  
(4) OJ No L 334, 17.12.2010, p1.  
(5) OJ No L 364, 09.12.2004, p1.

- (a) the Warsaw Convention;
- (b) the Warsaw Convention, as amended at the Hague, 1955;
- (c) the Warsaw Convention, as amended by Additional Protocol No.1 of Montreal, 1975;
- (d) the Warsaw Convention, as amended at the Hague, 1955, and by Additional Protocol No.2 of Montreal, 1975;
- (e) the Warsaw Convention, as amended at the Hague, 1955, and by Protocol No. 4 of Montreal, 1975;
- (f) the Convention supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person other than the Contracting Carrier, signed at Guadalajara, 18th September 1961; and
- (g) the Convention for the Unification of Certain Rules for International Carriage by Air, signed at Montreal 28th May 1999;

“consumer transport service” means—

- (a) a rail passenger service;
- (b) carriage by air to which the 2004 Regulation or the Carriage by Air Conventions or enactments giving effect to the provisions of those Conventions apply; and
- (c) sea and inland waterway transport to which the 2010 Regulation applies;

“rail passenger service” means any rail passenger service supplied by any undertaking other than those specified in paragraphs (a) and (b) of article 2(2) of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast)(6);

“the Warsaw Convention” means the Convention for the Unification of Certain Rules Relating to the International Carriage by Air, signed at Warsaw 12th October 1929.

### **Provisions coming into force on 1st October 2015**

**3.** The following provisions of the Act come into force on 1st October 2015, subject to article 4 and the transitional provisions and savings in articles 6 to 8—

- (a) sections 1 to 47;
- (b) section 48(1) to (4) (contracts covered by this Chapter);
- (c) sections 49 to 76;
- (d) section 77 (investigatory powers etc.) to the extent not already in force;
- (e) sections 78 to 80;
- (f) section 81 (private actions in competition law) to the extent not already in force;
- (g) Schedules 1 to 4;
- (h) Schedule 5 (investigatory powers etc.) to the extent not already in force;
- (i) Schedules 6 and 7; and
- (j) Schedule 8 (private actions in competition law) to the extent not already in force.

### **Provisions coming into force on 6th April 2016**

**4.** For the purpose of a contract to supply a consumer transport service the following provisions of the Act come into force on 6th April 2016, subject to the transitional provisions and savings in article 6—

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(6) OJ No L 343, 14.12.2012, p32.

- (a) section 48(1) to (4) (contracts covered by this Chapter);
- (b) sections 49 to 59; and
- (c) paragraphs 2 to 6, 10 to 17 and 21 to 27 of Schedule 4.

### **Consequential amendments**

5. The consequential amendments in Schedules 1 and 2 have effect.

### **Transitional and saving provisions in respect of Parts 1 and 2 of the Act**

6.—(1) The provisions brought into force by sub-paragraphs (a) to (c) and (g) of article 3 of this Order do not apply to—

- (a) any contract entered into before 1st October 2015 which would, apart from these provisions, be covered by Parts 1 or 2 of the Act; and
- (b) any notice provided or communicated before 1st October 2015 which would, apart from these provisions, constitute a consumer notice and be covered by Part 2 of the Act;

(2) The provisions brought into force by article 4 of this Order do not apply to any contract to supply a consumer transport service entered into before 6th April 2016.

(3) The amendments to the law enacted by the Sale and Supply of Goods to Consumers Regulations 2002<sup>(7)</sup> continue to have effect in relation to any contract specified in paragraph (1)(a) despite the revocation of those Regulations by paragraph 53 of Schedule 1 to the Act.

(4) The Unfair Terms in Consumer Contracts Regulations 1999<sup>(8)</sup> continue to have effect in relation to any contract or notice relating to any contract specified in paragraph (1)(a) provided or communicated before 1st October 2015 despite the revocation of those Regulations by paragraph 34 of Schedule 4 to the Act.

(5) The amendments made to the enactments specified in Schedule 1 to this Order do not apply to any contract or notice to which the transitional provisions of this article apply.

### **Transitional provision in respect of premium rate services**

7. The amendments made by section 80 of the Act do not apply in respect of a contravention of a code approved under section 121 of the Communications Act 2003<sup>(9)</sup>, directions given in accordance with such a code or an order made under section 122 of the Communications Act 2003 where that contravention occurs or begins before the commencement of section 80.

### **Transitional and saving provisions in respect of investigatory powers**

8.—(1) This article applies where—

- (a) a provision (“the old provision”) is repealed by Schedule 6 to the Act or revoked by Schedule 2 to this Order, and
- (b) a provision of Schedule 5 to the Act (investigatory powers etc.) (“the new provision”) re-enacts, with or without modification, the old provision.

(2) The repeal or revocation mentioned in paragraph (1)(a) and the re-enactment mentioned in paragraph (1)(b) do not affect the continuity of the law.

(3) Paragraph (2) does not apply to any change in the law made by Schedule 5 to the Act.

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<sup>(7)</sup> S.I. 2002/3045.

<sup>(8)</sup> S.I. 1999/2083, amended by S.I. 2001/1186, 2001/3649, 2004/2095, 2013/472, 2013/783 and 2014/549.

<sup>(9)</sup> 2003 c.21.

(4) A reference, express or implied, in an enactment, instrument or document to the new provision is, subject to its context, to be read as being or including a reference to the old provision, in relation to times, circumstances or purposes in relation to which the old provision had effect.

(5) A reference, express or implied, in any enactment, instrument or document to the old provision is, subject to its context, to be read as being or including a reference to the new provision, in relation to times, circumstances or purposes in relation to which the new provision has effect.

(6) Anything done, or having effect as if done, under (or for the purposes of or in reliance on) the old provision, and in force or effective immediately before 1st October 2015, has effect on and after 1st October 2015 as if done under (or for the purposes of or in reliance on) the new provision.

(7) Paragraphs (2) to (6) have effect in place of section 17(2) of the Interpretation Act 1978; but nothing in this Order affects any other provision of that Act.

(8) For the purposes of enforcing the Pyrotechnic Articles (Safety) Regulations 2015<sup>(10)</sup>, the Consumer Protection Act 1987<sup>(11)</sup> continues to apply as if Schedule 6 to the Act were not in force.

27th August 2015

*Nick Boles*  
Minister of State for Skills  
Department for Business, Innovation and Skills

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<sup>(10)</sup> S.I. 2015/1553.

<sup>(11)</sup> 1987 c.43; sections 27 to 30 and 33 to 34 were amended by the Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), Schedule 4(1), paragraph 1.

SCHEDULE 1

Article 5

Amendments consequential to the commencement of Parts 1 and 2 and Chapter 5 of Part 3 of the Consumer Rights Act 2015

**Sale of Optical Appliances Order of Council 1984**

1. In article 3(1) of the Sale of Optical Appliances Order of Council 1984(12) (conditions subject to which a sale is exempt), for paragraph (b) substitute—

- “(b) any conditions or other terms—
- (i) implied in relation to the sale by section 14 of the Sale of Goods Act 1979 (quality and fitness) or treated as included by sections 9 or 10 of the Consumer Rights Act 2015 (goods to be of satisfactory quality, fit for particular purpose), or
  - (ii) implied in relation to any services associated with the sale by section 13 of the Supply of Goods and Services Act 1982 (care and skill) or treated as included by section 49 of the Consumer Rights Act 2015 (service to be performed with reasonable care and skill)

are not negated or varied (whether by express agreement or otherwise);”.

**Legislative and Regulatory Reform (Regulatory Functions) Order 2007**

2. In the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(13) (functions to which sections 21 and 22 of the Legislative and Regulatory Reform Act 2006 apply)—

- (a) in Part 3, under the heading “Consumer and business protection”—
  - (i) omit “Unfair Terms in Consumer Contracts Regulation 1999” and “Sale and Supply of Goods to Consumers Regulations 2002”; and
  - (ii) insert at the appropriate place “Parts 1 and 2 and Chapter 5 of Part 3 of the Consumer Rights Act 2015”;
- (b) in Part 6—
  - (i) omit “Unfair Terms in Consumer Contracts Regulations 1999” and “Sale and Supply of Goods to Consumers Regulations 2002”; and
  - (ii) insert in the appropriate place “Parts 1 and 2 and Chapter 5 of Part 3 of the Consumer Rights Act 2015”.

**Consumer Protection from Unfair Trading Regulations 2008**

3. In regulation 5(7) of the Consumer Protection from Unfair Trading Regulations 2008(14) (misleading actions), for “Part 5A of the Sale of Goods Act 1979 or Part 1B of the Supply of Goods and Services Act 1982” substitute “sections 19 and 23 or 24 of the Consumer Rights Act 2015”.

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(12) S.I. 1984/1778, amended by S.I. 2005/848; there are other amending instruments but none is relevant.

(13) S.I. 2007/3544, to which there are amendments not relevant to this Order.

(14) S.I. 2008/1277, to which there are amendments not relevant to this Order.

### **Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009**

4. In Part 2 of Schedule 1 to the Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009<sup>(15)</sup> (functions specified for the purposes of Part 2 of the Regulatory Enforcement and Sanctions Act 2008)—

- (a) omit “Unfair Terms in Consumer Contracts Regulations 1999” and “Sale and Supply of Goods to Consumers Regulations 2002”;
- (b) insert in the appropriate place “Consumer Rights Act 2015, Parts 1 and 2 and Chapter 5 of Part 3”.

### **Mobile Homes (Written Statement) (England) Regulations 2011**

5. In Part 1 of the Schedule to the Mobile Homes (Written Statement) (England) Regulations 2011<sup>(16)</sup>, in paragraph 10 of the Written Statement for “Unfair Terms in Consumer Contracts Regulations 1999” substitute “Consumer Rights Act 2015”.

### **Postal Services Act 2011 (Disclosure of Information) Order 2012**

6. In article 4 of the Postal Services Act 2011 (Disclosure of Information) Order 2012<sup>(17)</sup> (prescribed enactments for disclosure of information)—

- (a) omit “the Unfair Terms in Consumer Contracts Regulations 1999” and “the Sale and Supply of Goods to Consumers Regulations 2002”;
- (b) insert in the appropriate place “Parts 1 and 2 and Chapter 5 of Part 3 of the Consumer Rights Act 2015”.

## SCHEDULE 2

## Article 5

Amendments consequential to the commencement of Schedule 5 to the Consumer Rights Act 2015

### **Crystal Glass (Descriptions) Regulations 1973**

1. Regulation 8 of the Crystal Glass (Descriptions) Regulations 1973<sup>(18)</sup> is amended as follows.
2. For paragraph (3) substitute—

“(3) Section 26 of the Act of 1968 shall (with necessary modifications) apply in relation to the enforcement of these Regulations as it applies in relation to the enforcement of that Act (modified where appropriate in relation to Northern Ireland as aforesaid).”.
3. Omit paragraph (4).

### **Measuring Container Bottles (EEC Requirements) Regulations 1977**

4. The Measuring Container Bottles (EEC Requirements) Regulations 1977<sup>(19)</sup> are amended as follows.
5. In regulation 7 (duties of manufacturers to keep records), omit paragraph (2).

<sup>(15)</sup> S.I. 2009/669, to which there are amendments not relevant to this Order.

<sup>(16)</sup> S.I. 2011/1006, to which there are amendments not relevant to this Order.

<sup>(17)</sup> S.I. 2012/1128, to which there are amendments not relevant to this Order.

<sup>(18)</sup> S.I. 1973/1952.

<sup>(19)</sup> S.I. 1977/932, to which there are amendments not relevant to this Order.

6. In regulation 8 (powers of inspection and entry)—
  - (a) omit paragraphs (1) to (4); and
  - (b) in paragraph (5) for “by virtue of this Regulation” substitute “for the purposes of these Regulations”.
7. In regulation 10 (offences)—
  - (a) omit paragraphs (2)(b) and (3);
  - (b) in paragraph (4) omit “Regulation 8(2) or”; and
  - (c) omit paragraphs (5) and (6).

#### **Alcoholometers and Alcohol Hydrometers (EEC Requirements) Regulations 1977**

8. The Alcoholometers and Alcohol Hydrometers (EEC Requirements) Regulations 1977(20) are amended as follows.

9. In regulation 13 (powers of inspection and entry)—
  - (a) omit paragraphs (1) to (4); and
  - (b) in paragraph (5) for “by virtue of this regulation” substitute “for the purposes of these Regulations”.
10. Regulation 14 (obstruction of inspectors) is revoked.
11. In regulation 17 (prosecution and punishment of offences under these Regulations) for “, 13 or 14” substitute “or 13”.

#### **Nightwear (Safety) Regulations 1985**

12. In regulation 10 (test of goods by enforcement authority) of the Nightwear (Safety) Regulations 1985(21), for “Schedule 2 to the Consumer Safety Act 1978 (which relates to the enforcement of safety regulations)” substitute “Schedule 5 to the Consumer Rights Act 2015”.

#### **Measuring Instruments (EEC Requirements) Regulations 1988**

13. The Measuring Instrument (EEC Requirements) Regulations 1988(22) are amended as follows.

14. In regulation 26 (powers of inspection and entry)—
  - (a) omit paragraphs (1) to (4);
  - (b) in paragraph (5) for “by virtue of this Regulation” substitute “for the purposes of these Regulations”; and
  - (c) omit paragraphs (6) to (8).
15. Regulation 27 (obstruction of inspectors) is revoked.

#### **Furniture and Furnishings (Fire) (Safety) Regulations 1988**

16. Regulations 12 and 13 of the Furniture and Furnishings (Fire) (Safety) Regulations 1988(23) are revoked.

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(20) S.I. 1977/1753, amended by S.I. 1985/306; there are other amending instruments but none is relevant.

(21) S.I. 1985/2043.

(22) S.I. 1988/186, to which there are amendments not relevant to this Order.

(23) S.I. 1988/1324.

### **Simple Pressure Vessels (Safety) Regulations 1991**

17. The Simple Pressure Vessels (Safety) Regulations 1991(24) are amended as follows.
18. For regulation 19(3) (enforcement) substitute—
- “(3) Notwithstanding paragraph (2) above, for the purposes of ascertaining whether or not the CE marking has been properly affixed—
- (a) action may be taken pursuant to the following provisions as they are applied by Schedule 5:
    - (i) in Great Britain in relation to vessels for use at work, section 20 of the Health and Safety at Work etc. Act 1974;
    - (ii) in Northern Ireland in relation to vessels for use at work, Article 22 of the Health and Safety at Work (Northern Ireland) Order 1978; and
    - (iii) in relation to vessels as consumer goods, section 29(4) of the Consumer Protection Act 1987; and
  - (b) in relation to vessels as consumer goods action may be taken pursuant to Schedule 5 to the Consumer Rights Act 2015 to the extent that it applies to paragraph 3(a) of Schedule 5.”
19. Paragraph 3 of Schedule 5 (enforcement in relation to vessels as consumer goods) is amended as follows—
- (a) in sub-paragraph (c)—
    - (i) for “28 to” substitute “29(4),”; and
    - (ii) omit paragraphs (iv) to (vi); and
  - (b) omit sub-paragraph (d).

### **Package Travel, Package Holidays and Package Tours Regulations 1992**

20. In Schedule 3 to the Package Travel, Package Holidays and Package Tours Regulations 1992(25) (enforcement) omit paragraphs 3 to 6 and 8.

### **Electrical Equipment (Safety) Regulations 1994**

21. In regulation 18 of the Electrical Equipment (Safety) Regulations 1994(26) (requirement to give information about electrical equipment which does not bear the CE marking) omit “an enforcement authority.”

### **Footwear (Indication of Composition) Labelling Regulations 1995**

22. Regulation 10 of the Footwear (Indication of Composition) Labelling Regulations 1995(27) (enforcement) is amended as follows.
23. For paragraph (2) substitute—
- “(2) Section 26 of the Act of 1968 shall (with necessary modifications) apply in relation to the enforcement of these Regulations as it applies in relation to the enforcement of that Act (modified where appropriate in relation to Northern Ireland as aforesaid).”
24. Omit paragraph (3).

(24) S.I. 1991/2749, amended by S.I. 1994/3908, 2003/1400; there are other amending instruments but none is relevant.

(25) S.I. 1992/3288, to which there are amendments not relevant to this Order.

(26) S.I. 1994/3260.

(27) S.I. 1995/2489.



### **Lifts Regulations 1997**

25. Schedule 15 to the Lifts Regulations 1997(28) (enforcement) is amended as follows.

26. In Paragraph 2—

- (a) in sub-paragraph (b)—
  - (i) omit “28 to”; and
  - (ii) omit paragraphs (iv) to (vii); and
- (b) omit sub-paragraph (c).

27. In paragraph 3(3)(a) (enforcement in Northern Ireland in relation to relevant products) omit “and (c)”.

### **Pressure Equipment Regulations 1999**

28. The Pressure Equipment Regulations 1999(29) are amended as follows.

29. In regulation 24(3) for “or section 29 of the Consumer Protection Act 1987, as they are applied by Schedule 8” substitute “(as they are applied by Schedule 8) or Schedule 5 to the Consumer Rights Act 2015 to the extent that it applies by virtue of paragraph 2(a) or 3(3)(a) of Schedule 8”.

30.—(1) Paragraph 2 of Schedule 8 (enforcement in Great Britain) is amended as follows.

- (2) In sub-paragraph (c) omit “28 to”;
- (3) Omit paragraphs (c)(iv) to (vii); and
- (4) Omit sub-paragraph (d).

### **Motor Fuel (Composition and Content) Regulations 1999**

31. Schedule A1 (enforcement of regulation 5B(3), (5) and (6) in Great Britain, and enforcement of regulation 5B in Northern Ireland, in relation to gas oil and other liquid fuel not intended for use in motor vehicles and related matters) to the Motor Fuel (Composition and Content) Regulations 1999(30) is amended as follows.

32. Omit paragraph 2(1)(a)(i).

33. In paragraph 4(1) (power of enforcement authorities to obtain information) omit “regulation 5C and”.

### **Radio Equipment and Telecommunications Terminal Equipment Regulations 2000**

34.—(1) Schedule 9 to the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000(31) (Enforcement) is amended as follows.

(2) In each of paragraphs 7, 8 and 9—

- (a) for each reference to “an enforcement authority” substitute “OFCOM”; and
- (b) for each reference to “the authority” substitute “OFCOM”.

(3) In paragraph 11 for each reference to “an enforcement authority” substitute “OFCOM”.

(4) In paragraph 12(1) for “an enforcement authority or by an officer of such an authority” substitute “OFCOM or by an officer of OFCOM”.

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(28) S.I. 1997/831, amended by S.I. 2004/693.

(29) S.I. 1999/2001, amended by S.I. 2002/1267, 2004/693.

(30) S.I. 1999/3107, amended by S.I. 2010/3035.

(31) S.I. 2000/730, amended by S.I. 2003/3144.

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(5) In paragraph 13(1) for “an enforcement authority exercises any power under paragraph 8 above to seize and detain apparatus, the enforcement authority” substitute “OFCOM exercises any power under paragraph 8 above to seize and detain apparatus, OFCOM”.

#### **Non-Automatic Weighing Instruments Regulations 2000**

- 35.** The Non-Automatic Weighing Instruments Regulations 2000(**32**) are amended as follows.
- 36.** In regulation 38 (powers of inspection and entry)—
- (a) omit paragraphs (1) to (5);
  - (b) in paragraph (6) for “by virtue of this regulation” substitute “for the purposes of these Regulations”;
  - (c) omit paragraphs (7) and (8).
- 37.** Regulation 39 (obstruction of authorised person etc) is revoked.
- 38.** In regulation 40 (offences and penalties) omit “or 39(1) or (2)”.
- 39.** In Schedule 5 (adaptations for Northern Ireland) omit paragraph 7.

#### **Personal Protective Equipment Regulations 2002**

- 40.** The Personal Protective Equipment Regulations 2002(**33**) are amended as follows.
- 41.** In regulation 16(3) (application of Schedule 10 on enforcement) for “section 29 of the 1987 Act, as it is applied by Schedule 10” substitute “Schedule 5 to the Consumer Rights Act 2015 to the extent that it applies by virtue of paragraph 1(a) of Schedule 10”.
- 42.**—(1) Paragraph 1 of Schedule 10 (enforcement) is amended as follows.
- (2) In sub-paragraph (c) omit “28 to”.
  - (3) Omit paragraphs (c)(iv) to (c)(vii).

#### **Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002**

**43.** In regulation 15(2) (enforcement and penalties) of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002(**34**) after “1987” insert “and Schedule 5 to the Consumer Protection Act 2015”.

#### **Price Marking Order 2004**

**44.** Article 15 (enforcement) of the Price Marking Order 2004(**35**) is revoked.

#### **General Product Safety Regulations 2005**

**45.** Regulations 21 to 26 of the General Product Safety Regulations 2005(**36**) are revoked.

#### **Weights and Measures (Packaged Goods) Regulations 2006**

**46.** The Weights and Measures (Packaged Goods) Regulations 2006(**37**) are amended as follows.

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(32) [S.I. 2000/3236](#), amended by [S.I. 2008/738](#); there are other amending instruments but none is relevant.

(33) [S.I. 2002/1144](#), amended by [S.I. 2004/693](#); there are other amending instruments but none is relevant.

(34) [S.I. 2002/3041](#).

(35) [S.I. 2004/102](#).

(36) [S.I. 2005/1803](#).

(37) [S.I. 2006/659](#), to which there are amendments not relevant to this Order.

47. In regulation 2 (interpretation) omit the entry for “credentials”.
48. Omit regulation 10(5) (enforcement by local weights and measures authority).
49. Omit Schedule 7 (powers of inspectors and local weights and measures authorities).

#### **Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006**

50. The Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006(38) are amended as follows.

51. Regulation 23 (testing of automatic discontinuous totalisers) is revoked.
52. In regulation 25 (powers of entry and inspection)—
  - (a) omit paragraphs (1) to (5);
  - (b) in paragraph (6) for “by virtue of this regulation” substitute “for the purposes of these Regulations”; and
  - (c) omit paragraphs (8) and (9).
53. Regulation 26 (obstruction of enforcement officer) is revoked.
54. Regulation 31 (savings for certain privileges) is revoked.
55. In Schedule 5 (adaptations for Northern Ireland) omit paragraphs 4 and 5.

#### **Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006**

56. The Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006(39) are amended as follows.

57. Regulation 24 (testing of rail-weighbridges) is revoked.
58. In regulation 26 (powers of entry and inspection)—
  - (a) omit paragraphs (1) to (5);
  - (b) in paragraph (6) for “by virtue of this regulation” substitute “for the purposes of these Regulations”; and
  - (c) omit paragraphs (8) and (9).
59. Regulation 27 (obstruction of enforcement officer) is revoked.
60. Regulation 32 (savings for certain privileges) is revoked.
61. In Schedule 5 (adaptations for Northern Ireland) omit paragraphs 4 and 5.

#### **Measuring Instruments (Automatic Catchweighers) Regulations 2006**

62. The Measuring Instruments (Automatic Catchweighers) Regulations 2006(40) are amended as follows.

63. Regulation 26 (testing of automatic catchweighers) is revoked.
64. In regulation 28 (powers of entry and inspection)—
  - (a) omit paragraphs (1) to (5);

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(38) [S.I. 2006/1255](#), to which there are amendments not relevant to this Order.

(39) [S.I. 2006/1256](#), to which there are amendments not relevant to this Order.

(40) [S.I. 2006/1257](#), to which there are amendments not relevant to this Order.

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- (b) in paragraph (6) for “by virtue of this regulation” substitute “for the purposes of these Regulations”; and
  - (c) omit paragraphs (8) and (9).
65. Regulation 29 (obstruction of enforcement officer) is revoked.
66. Regulation 34 (savings for certain privileges) is revoked.
67. In Schedule 6 (adaptations for Northern Ireland) omit paragraphs 4 and 5.

#### **Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006**

68. The Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006(41) are amended as follows.
69. Regulation 24 (testing of automatic gravimetric filling instruments) is revoked.
70. In regulation 26 (powers of entry and inspection)—
- (a) omit paragraphs (1) to (5);
  - (b) in paragraph (6) for “by virtue of this regulation” substitute “for the purposes of these Regulations”; and
  - (c) omit paragraphs (8) and (9).
71. Regulation 27 (obstruction of enforcement officer) is revoked.
72. Regulation 32 (savings for certain privileges) is revoked.
73. In Schedule 6 (adaptations for Northern Ireland) omit paragraphs 4 and 5.

#### **Measuring Instruments (Beltweighers) Regulations 2006**

74. The Measuring Instruments (Beltweighers) Regulations 2006(42) are amended as follows.
75. Regulation 24 (testing of beltweighers) is revoked.
76. In regulation 26 (powers of entry and inspection)—
- (a) omit paragraphs (1) to (5);
  - (b) in paragraph (6) for “by virtue of this regulation” substitute “for the purposes of these Regulations”; and
  - (c) omit paragraphs (8) and (9).
77. Regulation 27 (obstruction of enforcement officer) is revoked.
78. Regulation 32 (savings for certain privileges) is revoked.
79. In Schedule 6 (adaptations for Northern Ireland) omit paragraphs 4 and 5.

#### **Measuring Instruments (Capacity Serving Measures) Regulations 2006**

80. The Measuring Instruments (Capacity Serving Measures) Regulations 2006(43) are amended as follows.
81. In regulation 23 (powers of entry and inspection)—
- (a) omit paragraphs (1) to (5);

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(41) [S.I. 2006/1258](#), to which there are amendments not relevant to this Order.

(42) [S.I. 2006/1259](#), to which there are amendments not relevant to this Order.

(43) [S.I. 2006/1264](#), to which there are amendments not relevant to this Order.

(b) in paragraph (6) for “by virtue of this regulation” substitute “for the purposes of these Regulations”; and

(c) omit paragraphs (8) and (9).

**82.** Regulation 24 (obstruction of enforcement officer) is revoked.

**83.** Regulation 29 (savings for certain privileges) is revoked.

**84.** In Schedule 6 (adaptations for Northern Ireland) omit paragraphs 4 and 5.

### **Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006**

**85.** The Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006<sup>(44)</sup> are amended as follows.

**86.** Regulation 23 (testing of measuring systems) is revoked.

**87.** In regulation 25 (powers of entry and inspection)—

(a) omit paragraphs (1) to (5);

(b) in paragraph (6) for “by virtue of this regulation” substitute “for the purposes of these Regulations”; and

(c) omit paragraphs (8) and (9).

**88.** Regulation 26 (obstruction of enforcement officer) is revoked.

**89.** Regulation 31 (savings for certain privileges) is revoked.

**90.** In Schedule 6 (adaptations for Northern Ireland) omit paragraphs 4 and 5.

### **Measuring Instruments (Material Measures of Length) Regulations 2006**

**91.** The Measuring Instruments (Material Measures of Length) Regulations 2006<sup>(45)</sup> are amended as follows.

**92.** In regulation 23 (powers of entry and inspection)—

(a) omit paragraphs (1) to (5);

(b) in paragraph (6) for “by virtue of this regulation” substitute “for the purposes of these Regulations”; and

(c) omit paragraphs (8) and (9).

**93.** Regulation 24 (obstruction of enforcement officer) is revoked.

**94.** Regulation 29 (savings for certain privileges) is revoked.

**95.** In Schedule 5 (adaptations for Northern Ireland) omit paragraphs 4 and 5.

### **Measuring Instruments (Cold-water Meters) Regulations 2006**

**96.** The Measuring Instruments (Cold-water Meters) Regulations 2006<sup>(46)</sup> are amended as follows.

**97.** Regulation 23 (testing of cold-water meters) is revoked.

**98.** In regulation 25 (powers of entry and inspection)—

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<sup>(44)</sup> [S.I. 2006/1266](#), to which there are amendments not relevant to this Order.

<sup>(45)</sup> [S.I. 2006/1267](#), to which there are amendments not relevant to this Order.

<sup>(46)</sup> [S.I. 2006/1268](#), to which there are amendments not relevant to this Order.

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- (a) omit paragraphs (1) to (5);
- (b) in paragraph (6) for “by virtue of this regulation” substitute “for the purposes of these Regulations”; and
- (c) omit paragraphs (8) and (9).

99. Regulation 26 (obstruction of enforcement officer) is revoked.

100. Regulation 31 (savings for certain privileges) is revoked.

101. In Schedule 5 (adaptations for Northern Ireland) omit paragraphs 4 and 5.

### **Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006**

102. The Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006<sup>(47)</sup> are amended as follows.

103. Regulation 24 (testing of meter measuring systems) is revoked.

104. In regulation 26 (powers of entry and inspection)—

- (a) omit paragraphs (1) to (5);
- (b) in paragraph (6) for “by virtue of this regulation” substitute “for the purposes of these Regulations”; and
- (c) omit paragraphs (8) and (9).

105. Regulation 27 (obstruction of enforcement officer) is revoked.

106. Regulation 32 (savings for certain privileges) is revoked.

107. In Schedule 5 (adaptations for Northern Ireland) omit paragraphs 4 and 5.

### **Electromagnetic Compatibility Regulations 2006**

108. The Electromagnetic Compatibility Regulations 2006<sup>(48)</sup> are amended as follows.

109. In regulation 3 (interpretation), in the definition of “enforcement authority”, after “means” insert “(subject to regulation 37A (investigatory powers))”.

110. After regulation 37 (test purchases) insert—

#### **“37A Investigatory powers**

For the purposes of regulations 38 to 41, 45 and 50 any reference to an enforcement authority is a reference to any enforcement authority other than—

- (a) local weights and measures authorities; and
- (b) the Department of Enterprise, Trade and Investment.”.

### **Business Protection from Misleading Marketing Regulations 2008**

111. The Business Protection from Misleading Marketing Regulations 2008<sup>(49)</sup> are amended as follows.

112. Regulations 21 to 27 are revoked.

113. In regulation 28 (crown) omit paragraph (1).

<sup>(47)</sup> S.I. 2006/1269, to which there are amendments not relevant to this Order.

<sup>(48)</sup> S.I. 2006/3418, to which there are amendments not relevant to this Order.

<sup>(49)</sup> S.I. 2008/1276, amended by S.I. 2013/2701; there are other amending instruments but none is relevant.

### **Consumer Protection from Unfair Trading Regulations 2008**

114. The Consumer Protection from Unfair Trading Regulations 2008<sup>(50)</sup> are amended as follows.

115. Regulations 20 to 25 are revoked.

116. In regulation 28 (crown) omit paragraph (1).

### **Supply of Machinery (Safety) Regulations 2008**

117. Schedule 5 to the Supply of Machinery (Safety) Regulations 2008<sup>(51)</sup> (Enforcement) is amended as follows.

118. In paragraph 11 (powers of other enforcement authorities)—

(a) in sub-paragraph (a) omit “28 to”; and

(b) omit sub-paragraph (b).

119. In paragraph 12 omit sub-paragraphs (e) to (h).

### **Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010**

120. Regulations 33 (powers of officers) and 34 (obstruction of authorised officers) of the Timeshare, Holiday Products, Resale and Regulations 2010<sup>(52)</sup> are revoked.

### **Toys (Safety) Regulations 2011**

121. The Toys (Safety) Regulations 2011<sup>(53)</sup> are amended as follows.

122. In regulation 17 (technical documentation and correspondence relating to EC-type examination)—

(a) omit paragraphs (6) to (9); and

(b) in paragraph (10) for “, (3) or (9)” substitute “or (3)”.

123. In regulation 31 (duties to retain and provide information) omit paragraphs (2) to (4).

124. Regulation 36 (duty to provide information) is revoked.

### **Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011**

125. The Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011<sup>(54)</sup> are amended as follows.

126. In regulation 2 (interpretation) omit the entry for “credentials”.

127. In regulation 10 (enforcement), omit paragraph (5).

128. Omit Schedule 7 (powers of inspectors and the department).

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<sup>(50)</sup> [S.I. 2008/1277](#), to which there are amendments not relevant to this Order.

<sup>(51)</sup> [S.I. 2008/1597](#), to which there are amendments not relevant to this Order.

<sup>(52)</sup> [S.I. 2010/2960](#).

<sup>(53)</sup> [S.I. 2011/1881](#).

<sup>(54)</sup> [S.R. \(NI\) 2011 No 331](#).

**Textile Products (Labelling and Fibre Composition) Regulations 2012**

**129.** The Textile Products (Labelling and Fibre Composition) Regulations 2012(**55**) are amended as follows.

**130.** Regulations 12 to 18 are revoked.

**131.** In regulation 19 (crown) omit paragraph (1).

**Cosmetic Products Enforcement Regulations 2013**

**132.** The Cosmetic Products Enforcement Regulations 2013(**56**) are amended as follows.

**133.** In regulation 7(1)(a) (market surveillance and enforcement powers) omit “and Schedule 2 (test purchases, powers of entry etc and warrants) of these Regulations”.

**134.** Omit Schedule 2 (testing, powers of entry etc and warrants).

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This is the third Commencement Order made under the Consumer Rights Act 2015 (c. 15) (“the Act”) that extends to the United Kingdom.

Certain provisions came into force in accordance with section 100 of the Act, on the passing of the Act or two months after the passing of the Act. The Consumer Rights Act 2015 (Commencement) (England) Order 2015 (S.I. 2015/965) brought certain provisions into force on 27th May 2015 in relation to England only. The Consumer Rights Act 2015 (Commencement No. 1) Order 2015 (S.I. 2015/1333) brought certain provisions into force on 27th May 2015 in relation to the United Kingdom. The Consumer Rights Act 2015 (Commencement No. 2 and Transitional Provision) (England) Order 2015 (S.I. 2015/1575) brought certain provisions into force on 1st September 2015 in relation to England only. The Consumer Rights Act 2015 (Commencement No. 2) Order 2015 (S.I. 2015/1584) brought certain provisions into force on 3rd August 2015 in relation to the United Kingdom. The Consumer Rights Act 2015 (Commencement No. 1 and Transitional Provision) (Wales) Order 2015 (S.I. 2015/1605) brought certain provisions into force on 1st September 2015 in relation to Wales only.

Article 3 lists the provisions of the Act which will come into force on 1st October 2015. This Order brings into force Part 1 of the Act on consumer contracts for goods, digital content and services, Part 2 of the Act on unfair terms and Chapter 1 of Part 3 of the Act on enforcement etc., so far as not yet in force.

Article 4 provides for a later commencement date of 6th April 2016 with respect to Chapter 4 of Part 1 (Services) of the Act together with certain amendments to the Unfair Contract Terms Act 1977 provided for in Schedule 4 to the Act, in relation to consumer transport services in the rail, aviation and maritime sectors.

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(55) S.I. 2012/1102.

(56) S.I. 2013/1478.



Article 5 gives effect to the Schedules to the Order which specify amendments to secondary legislation.

Articles 6 to 8 make transitional provisions in respect of the changes introduced by the Act and the consequential amendments set out in the Schedules to this Order.

Schedule 1 makes amendments to secondary legislation in consequence of Parts 1 and 2 and Chapter 5 of Part 3 of the Act.

Schedule 2 makes amendments to secondary legislation in consequence of Schedule 5 to the Act, which introduces a new generic set of investigatory powers. The amendments remove existing investigatory powers, or references to these powers, from secondary legislation which are no longer required following the introduction of Schedule 5 to the Act.

Impact assessments completed for the Consumer Rights Bill, introduced to Parliament on 23rd January 2014, contain an assessment of the effect that the reforms to the framework of consumer rights will have on the costs of business and the public and voluntary sector and can be found at the website: <https://www.gov.uk/government/publications/consumer-rights-bill>.

#### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

The following provisions of the Act will be brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 77 (partially, in relation to England only)	27.5.2015	<a href="#">2015/965</a>
Section 77 (partially)	27.5.2015	<a href="#">2015/1333</a>
Section 81 (partially)	3.8.2015	<a href="#">2015/1584</a>
Section 82	27.5.2015	<a href="#">2015/1333</a>
Sections 83 to 88 (in so far as they were not yet in force, in relation to England only)	27.5.2015	<a href="#">2015/965</a>
Section 89 (in relation to England only)	1.9.2015	<a href="#">2015/1575</a>
Section 89 (in relation to Wales only)	1.9.2015	<a href="#">2015/1605 (W.203)</a>
Schedule 5 (partially, in relation to England only)	27.5.2015	<a href="#">2015/965</a>
Schedule 5 (partially)	27.5.2015	<a href="#">2015/1333</a>
Paragraphs 12, 18, 20 to 22 and 28 to 35 of Schedule 8 (partially)	3.8.2015	<a href="#">2015/1584</a>
Schedule 9 (in so far as was not yet in force, in relation to England only)	27.5.2015	<a href="#">2015/965</a>

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