
STATUTORY INSTRUMENTS

2020 No. 1347

**The Consumer Protection (Enforcement)
(Amendment etc.) (EU Exit) Regulations 2020**

PART 3

Amendments under section 8(1) of the European Union (Withdrawal) Act 2018

Amendment of the Consumer Protection (Enforcement) (Amendment etc.) (EU Exit) Regulations 2019

3.—(1) The Consumer Protection (Enforcement) (Amendment etc.) (EU Exit) Regulations 2019(1) are amended as follows.

(2) For regulation 2 (interpretation) substitute—

“Interpretation

2. In these Regulations—

“the 2002 Act” means the Enterprise Act 2002(2);

“the 2020 Regulations” means the Consumer Protection (Enforcement) (Amendment etc.) Regulations 2020(3).”.

(3) In regulation 3 (amendment of the Enterprise Act 2002)—

(a) in paragraph (4), for sub-paragraph (b) substitute—

“(b) in subsection (5A), for “(being bodies or persons designated by the Secretary of State under Article 5(1) of the CPC Regulation) is a CPC enforcer” substitute “is a Schedule 13 enforcer”;

(b) after paragraph (9) insert—

“(9A) In section 218ZA (applications), in subsections (1) and (2), for “Community infringement” substitute “Schedule 13 infringement”.

(9B) In section 218ZB (online interface orders), in subsections (1)(a) and (3), for “Community infringement” substitute “Schedule 13 infringement”.

(1) [S.I. 2019/203](#).

(2) Part 8 of the Enterprise Act 2002, which the Consumer Protection (Enforcement) (Amendment etc.) (EU Exit) Regulations 2019 amend, amended by the Civil Partnership Act 2004 (c. 33), section 261(1), Schedule 27, paragraph 169, [S.I. 2006/3363](#), [S.I. 2007/528](#), [S.I. 2008/1277](#), [S.I. 2009/1941](#), [S.I. 2011/1043](#), [S.I. 2011/1208](#), the Financial Services Act 2012 (c. 21), section 114(1), Schedule 18, paragraphs 95(1) and (2), the Crime and Courts Act 2013 (c. 22), section 17(5), Schedule 9, Part 3, paragraphs 81(b) and (c), [S.I. 2013/783](#), [S.I. 2014/631](#), [S.I. 2014/892](#), the Consumer Rights Act 2015 (c. 15), section 77(2), Schedule 6, paragraphs 67 to 80, section 79(1), Schedule 7, the Digital Economy Act 2017 (c. 30), section 4(10), Schedule 3, Part 2, paragraphs 42 and 44, [S.I. 2018/378](#) and [S.I. 2018/634](#). Section 243 amended by the Financial Services Act 2012 (c. 21), section 114(2), Schedule 19. Schedule 13 amended by [S.I. 2004/2095](#), [S.I. 2005/2759](#), [S.I. 2006/3363](#), [S.I. 2008/1277](#), [S.I. 2009/2999](#), [S.I. 2010/1010](#), [S.I. 2010/2960](#), [S.I. 2011/1208](#), [S.I. 2014/2908](#), [S.I. 2015/542](#), [S.I. 2015/1392](#), [S.I. 2015/1911](#), [S.I. 2017/752](#), [S.I. 2018/634](#), [S.I. 2018/1153](#) and [S.I. 2020/484](#).

(3) [S.I. 2020/484](#).

- (9C) In section 218ZC (interim online interface orders), in subsection (1)(a) and (c), for “Community infringement” substitute “Schedule 13 infringement”.
- (9D) In section 218ZD (online interface orders: supplementary), in subsection (3), for “Community infringements” substitute “Schedule 13 infringements”.”;
- (c) for paragraph (10) substitute—
- “(10) In section 218A (unfair commercial practices: substantiation of claims)—
- (a) in subsection (1)—
- (i) for “Community infringement” substitute “Schedule 13 infringement”;
- (ii) for the words from “[Directive 2005/29/EC](#) of the European Parliament” to the end of the subsection, substitute “the Consumer Protection from Unfair Trading Regulations 2008(4)”;
- (b) in subsection (2A)(b), for “Community infringement” substitute “Schedule 13 infringement”.”;
- (d) for paragraph (12) substitute—
- “(12) In section 219A (definition of enhanced consumer measures)—
- (a) in subsection (2)(a)(ii), for “Community infringement” substitute “Schedule 13 infringement”;
- (b) in subsection (5)(c), for “CPC enforcer” substitute “Schedule 13 enforcer”.”;
- (e) after paragraph (12) insert—
- “(12A) In section 219B (inclusion of enhanced consumer measures etc.), in subsections (4) and (4A), for “Community infringement” substitute “Schedule 13 infringement”.”;
- (f) for paragraph (13) substitute—
- “(13) In section 220 (further proceedings)—
- (a) in subsection (2), for “CPC enforcer” substitute “Schedule 13 enforcer”;
- (b) in subsection (5A)(b), for “Community infringement” substitute “Schedule 13 infringement”.”;
- (g) for paragraph (17) substitute—
- “(17) Omit section 235 (Injunctions Directive) and section 235A (CPC Regulation) (as substituted by the 2020 Regulations).”;
- (h) for paragraph (20) substitute—
- “(20) For Schedule 13 (Listed Directives and Regulations) (as amended by the 2020 Regulations), substitute the Schedule set out in the Schedule to these Regulations.”.
- (4) In regulation 4 (amendment of the Consumer Rights Act 2015)—
- (a) in paragraph (4), after “paragraph 4” insert “(as amended by the 2020 Regulations)”;
- (b) in paragraph (9), after sub-paragraph (d) insert—
- “(da) in sub-paragraph (3A), for “An EU enforcer” substitute “A Schedule 13 enforcer”.”.
- (5) In regulation 7 (revocation of orders made under section 212(3) of the Enterprise Act 2002), after sub-paragraph (e) insert—

(4) [S.I. 2008/1277](#), amended by [S.I. 2011/1043](#), [S.I. 2011/2085](#), [S.I. 2013/783](#), [S.I. 2013/3134](#), [S.I. 2014/549](#), [S.I. 2014/870](#), the Consumer Rights Act 2015 (c.15), section 60, Schedule 1, paragraph 55(b), section 77(2), Schedule 6, paragraph 85(j), [S.I. 2015/1629](#), [S.I. 2015/1630](#) and [S.I. 2018/1326](#).

“(f) Part 3 (specification of UK law for the purpose of section 212(3) of the Enterprise Act 2002) of the 2020 Regulations.”.

(6) After regulation 7 insert—

“Amendment of the Consumer Protection (Enforcement) (Amendment etc.) Regulations 2020 relating to the functions of the Financial Conduct Authority

7A. In the 2020 Regulations, omit regulation 5 (Financial Conduct Authority).”.

(7) For regulation 8 (revocation of Regulation (EC) No 2006/2004) substitute—

“Revocation of Regulation (EU) 2017/2394

8. Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 is revoked.”.

(8) In regulation 9 (post-exit day enforcement of Community infringements: general rule)—

(a) in the heading of that regulation, for “Post-exit day” substitute “Post-IP completion day”;

(b) in paragraph (1), for “exit day” substitute “IP completion day”.

(9) For regulation 10 (post-exit day enforcement of Community infringements: exceptions to general rule) substitute—

“Post-IP completion day enforcement of Community infringements: exceptions to general rule

10.—(1) Subject to paragraph (2), a Community enforcer may not, after IP completion day, exercise any function under Part 8 of the 2002 Act.

(2) A Community enforcer may continue any proceedings relating to an application to court made under that Part prior to IP completion day.

(3) In this regulation, “Community enforcer” has the meaning given by section 213 of the 2002 Act immediately before these Regulations come into force.

(4) Regulation 9 does not apply to regulation 3(4)(c).”.

(10) In the Schedule (substituted Schedule 13 to the Enterprise Act 2002)—

(a) for paragraph 1 substitute—

“1. Sections 9 to 11 of the Supply of Goods (Implied Terms) Act 1973(5), to the extent that those sections continue to apply to a contract for a trader to supply goods to a consumer by virtue of the saving made, in connection with their amendment by the Consumer Rights Act 2015(6), by article 6 of the Consumer Rights Act 2015 (Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments) Order 2015(7).”;

(b) after paragraph 9 insert—

(5) 1973 c.13, amended (in relation to the relevant sections) by the Consumer Credit Act 1974 (c.39), section 192(3)(a) and Schedule 4, paragraph 35; the Sale and Supply of Goods Act 1994 (c. 35), section 7 and Schedule 2, paragraphs 4(1), (3), (4) and (5); S.I. 2002/3045 and the Consumer Rights Act 2015 (c. 15), section 60 and Schedule 1, paragraphs 1, 2 and 3.

(6) 2015 c. 15. Sections 9 to 11 of the Supply of Goods (Implied Terms) Act 1973 (c. 13), pursuant to their amendment by section 60 and Schedule 1, paragraphs 1 and 2, of the 2015 Act, apply to a “relevant hire-purchase agreement” which, by virtue of the amendment of section 15(1) of the 1973 Act by paragraphs 7(1) and (2)(a) of that Schedule, does not include a contract to which Chapter 2 of Part 1 of the 2015 Act applies (contract for a trader to supply goods to a consumer).

(7) S.I. 2015/1630. The saving under article 6(1)(a) relates to contracts entered into before 1st October 2015.

“**9A.** Rules made under sections 137A, 137R and 137T of the Financial Services and Markets Act 2000⁽⁸⁾ which give effect to Articles 10, 11, 13 to 18 and 21 to 23, Chapter 10 and Annexes I and II of [Directive 2014/17/EU](#) of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives [2008/48/EC](#) and [2013/36/EU](#) and Regulation (EU) No 1093/2010⁽⁹⁾.”;

(c) after paragraph 10 insert—

“**10A.** Sections 319, 321, 322, 325, 368F, 368G and 368H of the Communications Act 2003⁽¹⁰⁾.”;

(d) after paragraph 18 insert—

“**18A.** Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air⁽¹¹⁾.

18B. Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations⁽¹²⁾.

18C. Regulations 2, 4, 13, 15 and 18 of the Business Protection from Misleading Marketing Regulations 2008⁽¹³⁾.”;

(e) after paragraph 20 insert—

“**20A.** Article 23 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community⁽¹⁴⁾.”;

(f) after paragraph 21 insert—

“**21A.** The Rail Passengers’ Rights and Obligations Regulations 2010⁽¹⁵⁾.

21B. Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004⁽¹⁶⁾.”;

(g) after paragraph 22 insert—

“**22A.** Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004⁽¹⁷⁾.”;

(h) after paragraph 24 insert—

“**24A.** The Merchant Shipping (Passengers’ Rights) Regulations 2013⁽¹⁸⁾.

(8) 2000 c. 8. Sections 137A, 137R and 137T inserted by the Financial Services Act 2012 (c. 21), section 24(1). The sections amended by S.I. 2015/910, S.I. 2017/701, S.I. 2018/546, the Financial Guidance and Claims Act 2018 (c. 10), section 27(1) and (5), S.I. 2018/1115 and S.I. 2018/1149.

(9) OJ L 60, 28.2.2014, p. 34–85.

(10) 2003 c. 21. Sections 368F, 368G and 368H inserted by S.I. 2009/2979. The relevant sections amended by S.I. 2010/419, S.I. 2010/831, S.I. 2016/507 and S.I. 2019/224.

(11) Amended by S.I. 2019/278.

(12) Amended by S.I. 2018/1165.

(13) S.I. 2008/1276, amended by S.I. 2013/783, S.I. 2013/2701 and S.I. 2014/549.

(14) Amended by S.I. 2018/1392.

(15) S.I. 2010/1504, amended by S.I. 2010/2317, S.I. 2015/1682 and S.I. 2018/1165.

(16) Amended by S.I. 2019/649.

(17) Amended by S.I. 2019/141.

(18) S.I. 2013/425, amended by S.I. 2019/649.

24B. The Operation of Air Services in the Community (Pricing etc.) Regulations 2013**(19)**.

24C. The Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013**(20)**.”;

(i) after paragraph 25 insert—

“**25A.** The Bus and Coach Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2014**(21)**.

25B. The Bus and Coach Passengers Rights and Obligations (Designation of Terminals, Tour Operators and Enforcement) Regulations (Northern Ireland) 2014**(22)**.

25C. The Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2014**(23)**.”;

(j) after paragraph 28 insert—

“**28A.** Parts 2 and 3 and regulations 18, 19, 20(1), 20(3) to 20(5), 21 to 25, 27(2) and 27(3) of, and Schedules 1 to 6 to, the Payment Accounts Regulations 2015**(24)**.

28B. The Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017**(25)**.”.

(19) S.I. 2013/486, amended by S.I. 2014/549 and S.I. 2018/1392.

(20) S.I. 2013/1865, amended by S.I. 2017/99 and S.I. 2019/141.

(21) S.R. 2014 No. 180, amended by S.R. 2017 No. 127, S.I. 2019/141 and S.R. 2019 No. 6.

(22) S.R. 2014 No. 186.

(23) S.I. 2014/2833, amended by S.I. 2016/729.

(24) S.I. 2015/2038, amended by S.I. 2017/692, S.I. 2017/752, S.I. 2019/383 and S.I. 2019/661.

(25) S.R. 2017 No. 84, amended by S.I. 2018/1165.