

2003 No. 115

ELECTRONIC COMMUNICATIONS

**The Electronic Commerce (EC Directive) (Extension)
Regulations 2003**

Made - - - - - *24th January 2003*

Laid before Parliament *27th January 2003*

Coming into force - - *14th February 2003*

The Secretary of State for Trade and Industry, being the Minister designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to information society services, in exercise of the powers conferred on her by the said section 2(2) hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Electronic Commerce (EC Directive) (Extension) Regulations 2003.

(2) These Regulations shall come into force on 14th February 2003.

Application of the E-Commerce Regulations

2. The Electronic Commerce (EC Directive) Regulations 2002^(c) shall apply to the enactments listed in the Schedule notwithstanding Regulation 3(2) of those Regulations.

24th January 2003

Stephen Timms,
Minister of State for E-Commerce and Competitiveness,
Department of Trade and Industry

(a) S.I. 2001/2555.
(b) 1972 c. 68.
(c) S.I. 2002/2013.

1. The Copyright (Visually Impaired Persons) Act 2002(a).
 2. The Tobacco Advertising and Promotion Act 2002(b).
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EXPLANATORY NOTE

(This note is not part of the Regulations)

The Electronic Commerce (EC Directive) Regulations 2002 (S.I. 2002/2013) (“the E-Commerce Regulations”) transpose into national law Articles 3, 5, 6, 7(1), 10 to 14, 18(2) and 20 of Directive 2000/31/EC of the European Parliament and of the Council of 8th June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (“the Directive”)(c). However, Regulation 3(2) of the E-Commerce Regulations provides that those Regulations do not apply in relation to any Act passed on or after the date on which they were made, or in exercise of a power to legislate after that date (30th July 2002). This means that the E-Commerce Regulations lack prospective effect.

These Regulations ensure that the E-Commerce Regulations apply to two Acts passed in the period between 30th July 2002 and the making of these Regulations. The effect of these Regulations is that the Acts in the Schedule must be read in a way that is compatible with the requirements of the E-Commerce Regulations. Where a provision in an Act in the Schedule is in conflict with any of the requirements of the E-Commerce Regulations, the latter will prevail. Regulation 2 therefore extends the application of the E-Commerce Regulations to the Copyright (Visually Impaired Persons) Act 2002 and the Tobacco Advertising and Promotion Act 2002.

A transposition note setting out how the main elements of the Directive are transposed into law has been placed in the libraries of both Houses of Parliament. Copies are also available from the International Communications Unit, Department of Trade and Industry, Bay 206, 151 Buckingham Palace Road, London SW1W 9SS.

- (a) 2002 c. 33.
(b) 2002 c. 36.
(c) O.J. L178, 17 July 2000, p.1.

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