

SCHEDULE 6 U.K.

Regulation 36(3)

Consequential Amendments

Local Government Finance Act 1988 U.K.

1.—(1) The Local Government Finance Act 1988 ^{M1} is amended as follows.

(2) In section 66 (domestic property), in subsection (2E), for the words from “timeshare accommodation” to the end substitute “overnight accommodation which is the subject of a timeshare contract within the meaning of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.”.

Marginal Citations

M1 1988 c.41; section 66 was amended by S.I. 1993/542, article 2(b).

Criminal Justice and Police Act 2001 U.K.

2.—(1) The Criminal Justice and Police Act 2001 ^{M2} is amended as follows.

(2) In section 65 (meaning of “legal privilege”)—

(a) in subsection (6)—

(i) for “sub-paragraph (2) of paragraph 3 of Schedule 2 to the Timeshare Act 1992” substitute “regulation 32(3) of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010”;

(ii) for “sub-paragraph (4) of that paragraph” substitute “regulation 32(8) of those Regulations”;

(b) for subsection (9)(c) substitute—

“(c) regulation 32(3) of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.”.

(3) In section 66 (general interpretation of Part 2) ^{M3}—

(a) omit subsection (4)(m);

(b) after subsection (4)(r) insert—

“(s) regulation 32 of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 (powers of officers of enforcement authorities).”.

(4) In Part 1 of Schedule 1 (powers to which section 50 applies) ^{M4}—

(a) omit paragraph 56;

(b) after paragraph 73M insert—

“73N Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 The power of seizure conferred by regulation 32(3) of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 (powers of officers of enforcement authorities).”.

Marginal Citations

M2 2001 c.16.

M3 Section 66(4) was amended by S.I. 2008/1277, Schedule 2, paragraph 63.

Status: Point in time view as at 23/02/2011.

Changes to legislation: There are currently no known outstanding effects for the The Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010, SCHEDULE 6. (See end of Document for details)

M4 [Schedule 1](#) was amended by the Cluster Munitions (Prohibitions) Act 2010, Schedule 3, paragraph 1.

Enterprise Act 2002 **U.K.**

- 3.—(1) The Enterprise Act 2002 ^{M5} is amended as follows.
- (2) In Part 1 of Schedule 13 (listed Directives and Regulations)—
- (a) omit paragraph 6 (Directive [94/47/EC](#) concerning timeshare contracts);
 - (b) after paragraph 9D insert—
 - “**9E** Directive [2008/122/EC](#) of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts.”
- (3) In Schedule 14 (specified functions) omit “Timeshare Act 1992.”
- (4) In Schedule 15 (enactments conferring functions) omit “Timeshare Act 1992.”

Marginal Citations

M5 [2002 c.40](#); [Schedule 13](#) was amended by [S.I. 2010/1010](#), [regulation 46\(b\)](#).

Regulatory Enforcement and Sanctions Act 2008 **U.K.**

- 4.—(1) The Regulatory Enforcement and Sanctions Act 2008 ^{M6} is amended as follows.
- (2) In Schedule 3 (enactments specified for the purposes of Part 1) omit “Timeshare Act 1992”.
- (3) In Schedule 6 (enactments specified for the purposes of orders under Part 3) omit “Timeshare Act 1992”.

Marginal Citations

M6 [2008 c.13](#).

Consumer Credit (Agreements) Regulations 1983 **U.K.**

- 5.—(1) The Consumer Credit (Agreements) Regulations 1983 ^{M7} are amended as follows.
- (2) For paragraph 23 in Schedule 1 substitute—

“23. Agreements that cannot be cancelled by the (3) A statement that the debtor has no right to debtor under the Act, the Financial Services (Distance Marketing) Regulations 2004 or the Timeshare, 1974, the Financial Services (Distance Marketing) Regulations 2004 or the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010. Resale and Exchange Contracts Regulations 2010.”

Marginal Citations

M7 [S.I. 1983/1553](#), amended by [S.I.2004/1482](#); there are other amending instruments but none is relevant to these Regulations.

Consumer Protection (Distance Selling) Regulations 2000 **U.K.**

6.—(1) In the Consumer Protection (Distance Selling) Regulations 2000 ^{M8}, in regulation 6 (contracts to which only part of these Regulations apply), for paragraph (1), substitute—

“6.—(1) Regulations 7 to 20 shall not apply to a contract which is a regulated contract within the meaning of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.”.

Marginal Citations

M8 S.I. 2000/2334, to which there are amendments not relevant to these Regulations.

Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 **U.K.**

7.—(1) The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 ^{M9} is amended as follows.

(2) In article 61 (regulated mortgage contracts), for paragraph (4)(d), substitute—

“(d) “timeshare accommodation” means overnight accommodation which is the subject of a timeshare contract within the meaning of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.”.

(3) In article 63J (entering into and administering regulated sale and rent back agreements) for paragraph (4)(b) substitute—

“(b) “timeshare accommodation” means overnight accommodation which is the subject of a timeshare contract within the meaning of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010; and”.

Marginal Citations

M9 S.I. 2001/544; relevant amending instruments are SI 2001/3544, SI 2006/2383 and SI 2009/1342.

Financial Services and Markets Act 2000 (Collective Investment Schemes) Order 2001 **U.K.**

8.—(1) The Financial Services and Markets Act 2000 (Collective Investment Schemes) Order 2001 ^{M10} is amended as follows.

(2) In article 2 (interpretation)—

(a) after the definition of “individual pension account” insert—

“long-term holiday product contract” has the meaning given by regulation 8 of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010;”;

(b) for the definition of “timeshare rights” substitute—

“timeshare contract” has the meaning given by regulation 7 of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.”.

(3) In the Schedule (arrangements not amounting to a collective investment scheme), for paragraph 13 substitute—

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“Timeshare and long-term holiday product schemes

13. Arrangements do not amount to a collective investment scheme if the rights or interests of the participants are rights under a timeshare contract or a long-term holiday product contract.”.

Marginal Citations

M10 S.I. 2001/1062, to which there are amendments not relevant to these Regulations.

Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003 **U.K.**

9. In the Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003^{M11}, in the Schedule (listed Directives),—

- (a) omit the entry for Directive 94/47/EC of the European Parliament and of the Council of 26 October 1994 on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a timeshare basis^{M12};
- (b) after the entry for Directive 2008/48/EC insert—

“Directive 2008/122/EC of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts”

Marginal Citations

M11 S.I. 2003/1374, amended by S.I. 2010/1010; there are other amending instruments but none is relevant.
M12 O.J. L 280, 29.10.1994, p. 83.

Enterprise Act 2002 (Part 8 Notice to OFT of Intended Prosecution, Specified Enactments, Revocation and Transitional Provision) Order 2003 **U.K.**

10. In the Enterprise Act 2002 (Part 8 Notice to OFT of Intended Prosecution, Specified Enactments, Revocation and Transitional Provision) Order 2003^{M13}, in the Schedule, for the entry for the Timeshare Act 1992, substitute—

“Timeshare, Holiday Products, Resale and All offences under those Regulations”
Exchange Contracts Regulations 2010

Marginal Citations

M13 S.I. 2003/1376, to which there are amendments not relevant to these Regulations.

Enterprise Act 2002 (Part 8 Domestic Infringements) Order 2003 **U.K.**

11. In the Enterprise Act 2002 (Part 8 Domestic Infringements) Order 2003^{M14}, in the Schedule (specified acts or omissions), omit the entry for the Timeshare Act 1992.

Marginal Citations

M14 S.I. 2003/1593, to which there are amendments not relevant to these Regulations.

Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003 U.K.

12.—(1) The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003^{M15} is amended as follows.

(2) In Schedule 3 after the entry for the Business Protection from Misleading Marketing Regulations 2008 insert “Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.”.

(3) In Schedule 4 after the entry for the Business Protection from Misleading Marketing Regulations 2008 insert “Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.”.

Marginal Citations

M15 S.I. 2003/1400, as amended by SI 2008/1277; there are other amending instruments but none is relevant.

Financial Services (Distance Marketing) Regulations 2004 U.K.

13. In the Financial Services (Distance Marketing) Regulations 2004^{M16}, in regulation 11 (exemptions to the right to cancel), for paragraph (1)(f) substitute—

“(f) a credit agreement cancelled under regulation 23 of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 (automatic termination of credit agreement);”.

Marginal Citations

M16 S.I. 2004/2095 to which there are amendments not relevant to these Regulations.

Legislative and Regulatory Reform (Regulatory Functions) Order 2007 U.K.

14. In the Legislative and Regulatory Reform (Regulatory Functions) Order 2007^{M17}, in the Schedule, in Part 3 under the heading “Consumer and business protection”—

(a) omit “Timeshare Act 1992”;

(b) after the entry for Cosmetic Products (Safety) Regulations 2008, insert—

“Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010”.

Marginal Citations

M17 S.I. 2007/3544, amended by SI 2008/1284; there are other amending instruments but none is relevant.

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Changes to legislation: There are currently no known outstanding effects for the *The Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010, SCHEDULE 6*. (See end of Document for details)

Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009 U.K.

15.—(1) In the Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009 ^{M18}, in Schedule 1 in Part 1, omit “Timeshare Act 1992”.

Marginal Citations

M18 [S.I. 2009/669](#).

Status:

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Changes to legislation:

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