

2015 No. 1726

CONSUMER PROTECTION

**The Consumer Rights Act 2015 (Consequential Amendments)
Order 2015**

Made - - - - - *29th September 2015*

Coming into force - - - - - *1st October 2015*

The Secretary of State, in exercise of the powers conferred by section 96(1) and (2) of and paragraph 12(1) and (5) of Schedule 5 to the Consumer Rights Act 2015^(a), makes the following Order.

A draft of this Order was laid before Parliament in accordance with section 96(3) of and paragraph 12(6) of Schedule 5 to the Consumer Rights Act 2015 and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Consumer Rights Act 2015 (Consequential Amendments) Order 2015 and comes into force on 1st October 2015.

Consequential amendments

2. The Schedule has effect.

Transitional provision

3. Paragraph 1 of the Schedule applies in relation to contracts entered into on or after 1st October 2015.

4.—(1) This article applies where—

- (a) a provision (“the old provision”) is revoked by Part 2 of the Schedule, and
- (b) a provision of Schedule 5 to the Consumer Rights Act 2015 (investigatory powers etc.) (“the new provision”) re-enacts, with or without modification, the old provision.

(2) 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.

(3) 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.

SCHEDULE
CONSEQUENTIAL AMENDMENTS

Article 2

PART 1

Amendments to Acts

Uniform Laws on International Sales Act 1967

1. In section 1 of the Uniform Laws on International Sales Act 1967(a) (application of Uniform Law on the International Sale of Goods), in subsection (4)(c) at the end insert “and sections 9 to 17, 19 to 24 and 28 to 32 of the Consumer Rights Act 2015”.

Enterprise Act 2002

2. The Enterprise Act 2002(b) is amended as follows.

3. In Schedule 14 (specified functions)(c), at the appropriate place insert—

“Chapter 5 of Part 3 of the Consumer Rights Act 2015.

Schedule 3 to the Consumer Rights Act 2015.”

4. In Schedule 15 (enactments conferring functions)(d), at the appropriate place insert—

“Chapter 5 of Part 3 of the Consumer Rights Act 2015.”

Regulatory Enforcement and Sanctions Act 2008

5. In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008(e) (enactments specified for the purposes of Part 1), for “Consumer Rights Act 2015, Part 1” substitute “Consumer Rights Act 2015, Parts 1 and 2 and Chapter 5 of Part 3”.

Consumer Rights Act 2015

6. In paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 (enforcer’s legislation: duties and powers mentioned in paragraph 9(1)(a)), at the appropriate place insert—

“regulation 23(1) of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (S.I. 2013/3134);”.

(a) 1967 c.45; section 1(4) was amended by the Sale of Goods Act 1979 (c.54), section 63(1) and Schedule 2, paragraph 15 and by the Sale and Supply of Goods Act 1994 (c.35), Schedule 2, paragraph 3.
(b) 2002 c.40.
(c) There are amendments to Schedule 14 but none is relevant to this Order.
(d) There are amendments to Schedule 15 but none is relevant to this Order.
(e) 2008 c.13; Schedule 3 was amended by the Consumer Rights Act 2015 (c.15), Schedule 1, paragraph 54; there are other amendments but none is relevant to this Order.

PART 2

Amendments to secondary legislation

The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013

7. Regulations 24, 25 and 26 of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013(a) are revoked.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to legislation in consequence of provisions of the Consumer Rights Act 2015 (“the Act”).

Paragraph 1 of the Schedule amends the Uniform Laws on International Sales Act 1967 by inserting references to certain provisions of the Act in relation to the sales of goods to consumers, to supplement existing references to provisions of the Sale of Goods Act 1979 (c. 54) which the Act disapplies for sales to consumers. The effect is to identify the specified provisions of the Act as mandatory provisions of UK law, in the event of a choice to apply to a contract the Convention relating to a Uniform Law on the International Sale of Goods (set out in Schedule 1 to the Uniform Laws on International Sales Act 1967). Article 3 provides that this amendment applies only to contracts entered into on or after 1st October 2015.

Paragraphs 2 to 4 of the Schedule amend Schedules 14 and 15 to the Enterprise Act 2002 by inserting references to Chapter 5 of Part 3 of and (in Schedule 14 only) Schedule 3 to the Act. This will enable public authorities to share information obtained in connection with the exercise of a function under those provisions of the Act, in particular to facilitate the exercise of a function another person has by virtue of those provisions of the Act. It will also permit information to be disclosed for the purposes of criminal proceedings and certain specified civil proceedings.

Paragraph 5 of the Schedule amends Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (“the 2008 Act”) by adding a reference to certain provisions of the Act. This enables arrangements under the 2008 Act for oversight of local authority functions and co-ordination of regulatory enforcement by local authorities to be applied in relation to enforcement by local authorities of Part 2 and Chapter 5 of Part 3 of the Act, in addition to Part 1.

Paragraph 6 of the Schedule amends Schedule 5 to the Act by adding the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (“the 2013 Regulations”) to the list of legislation to which the investigatory powers in Schedule 5 apply. This enables those responsible for enforcing the 2013 Regulations to use the investigatory powers provided by Schedule 5 to the Act. Paragraph 7 of the Schedule make amendments consequential on this by removing the existing investigatory powers from the 2013 Regulations. These powers are no longer required following the application of Schedule 5 to the Act and a reference to investigatory powers of the 2013 Regulations will be a reference to Schedule 5 to the Act. Article 4 makes transitional provision in respect of this change.

An impact assessment has not been prepared for this instrument as no significant impact on the private, voluntary or public sector is foreseen.

© Crown copyright 2015

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

(a) S.I. 2013/3134, to which there are amendments not relevant to this Order.

£4.25

UK201509292 10/2015 19585

<http://www.legislation.gov.uk/id/uksi/2015/1726>

ISBN 978-0-11-113948-6



9 780111 139486