

---

STATUTORY INSTRUMENTS

---

**2018 No. 1329**

The Provision of Services (Amendment  
etc.) (EU Exit) Regulations 2018

**PART 2**

Amendment of the Provision of Services Regulations 2009

**Amendment of the Provision of Services Regulations 2009**

2. The Provision of Services Regulations 2009 <sup>M1</sup> are amended in accordance with this Part.

**Commencement Information**

- I1** Reg. 2 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

**Marginal Citations**

- M1** S.I. 2009/2999. Relevant amendments were made by S.I. 2011/1043.

**Amendment of regulation 3 (“Competent authority”)**

3. In regulation 3(3), for “Parts 3 to 6” substitute “ Parts 3 and 6 ”.

**Commencement Information**

- I2** Reg. 3 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

**Amendment of regulation 4 (interpretation: general)**

4. In regulation 4, omit the definition of “the Services Directive”.

**Commencement Information**

- I3** Reg. 4 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

**Amendment of regulation 5 (general exclusions and savings)**

- 5.—(1) In regulation 5(1)—
- (a) in sub-paragraph (b), for “EU rules” substitute “ retained EU law ”<sup>M2</sup>;
  - (b) in sub-paragraph (c)—
    - (i) omit “in accordance with EU law”;

**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Provision of Services (Amendment etc.) (EU Exit) Regulations 2018, PART 2. (See end of Document for details)

- (ii) after “State aid rules” insert “ in retained EU law ”.
- (2) In regulation 5(3)—
- (a) in sub-paragraph (a), for “an EEA state or who otherwise benefits from rights conferred by EU acts” substitute “ the United Kingdom ”;
- (b) for sub-paragraph (b) substitute—
- “ (b) a business undertaking established in the United Kingdom. ”.
- (3) For regulation 5(4) substitute—
- “ (4) Nothing in Parts 3 and 6 to 8 applies in relation to a provider of a service who is not—
- (a) established in the United Kingdom, and
- (b) either—
- (i) an individual who is a national of the United Kingdom, or
- (ii) a business undertaking. ”.
- (4) In regulation 5, after paragraph (4) insert—
- “ (5) In paragraphs (3)(b) and (4)(b)(ii), “business undertaking” means any entity, whether or not a legal person, that is not an individual and includes a body corporate, a corporation sole and a partnership or other unincorporated association, engaged in activities for the purpose of trading for profit, incorporated or formed under the law of any part of the United Kingdom. ”.

#### Commencement Information

**I4** Reg. 5 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

#### Marginal Citations

**M2** “Retained EU law” is defined in Schedule 1 to the Interpretation Act 1978 c. 30.

### Amendment of regulation 6 (relationship with other requirements)

- 6.—(1) In regulation 6(1), omit “, 5”.
- (2) In regulation 6(2)—
- (a) in sub-paragraph (a), after “enactment” insert “ other than retained direct EU legislation ”<sup>M3</sup>;
- (b) for sub-paragraph (a)(ii) substitute—
- “ (ii) immediately before [<sup>F1</sup>IP completion day], the provision implemented an EU obligation, and ”;
- (c) in sub-paragraph (b), for “a directly applicable EU instrument” substitute “ retained direct EU legislation ”;
- (d) for sub-paragraph (b)(ii) substitute—
- “ (ii) immediately before [<sup>F2</sup>IP completion day], the provision was contained in an EU instrument that came into force before these Regulations were made. ”.
- (3) In regulation 6(3), omit “or 4”.
- (4) In regulation 6(4)—
- (a) in sub-paragraph (a), after “enactment” insert “ other than retained direct EU legislation ”;

- (b) in sub-paragraph (b), for “a directly applicable EU instrument” substitute “retained direct EU legislation”;
- (c) for sub-paragraph (b)(ii) substitute—
  - “(ii) immediately before [<sup>F3</sup>IP completion day], the provision was contained in an EU instrument that came into force before these Regulations were made.”.

#### Textual Amendments

- F1** Words in [reg. 6\(2\)\(b\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), [regs. 1\(3\)](#), [3\(2\)\(a\)](#)
- F2** Words in [reg. 6\(2\)\(d\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), [regs. 1\(3\)](#), [3\(2\)\(a\)](#)
- F3** Words in [reg. 6\(4\)\(c\)](#) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), [regs. 1\(3\)](#), [3\(2\)\(a\)](#)

#### Commencement Information

- I5** [Reg. 6](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

#### Marginal Citations

- M3** “Retained direct EU legislation” is defined in Schedule 1 to the Interpretation Act [1978 c. 30](#).

### Amendment of regulation 8 (other information to be made available)

- 7. In regulation 8(1)—
  - (a) omit sub-paragraph (f);
  - (b) in sub-paragraph (g), after “assessment” insert “or the registration number as defined in regulation 2(1) of the Value Added Tax Regulations 1995”<sup>M4</sup>;
  - (c) in sub-paragraph (h), for “the professional title and the EEA state in which that title has been granted” substitute “and the professional title”.

#### Commencement Information

- I6** [Reg. 7](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

#### Marginal Citations

- M4** [S.I. 1995/2518](#).

### Amendment of regulation 9 (information to be supplied on request etc)

- 8. In regulation 9(1)(b), omit “in the EEA state in which the provider is established”.

#### Commencement Information

- I7** [Reg. 8](#) in force on IP completion day, see [reg. 1](#) and [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Provision of Services (Amendment etc.) (EU Exit) Regulations 2018, PART 2. (See end of Document for details)*

### Amendment of regulation 13 (application of this Part)

9. In regulation 13—
- (a) in paragraph (1), omit “except as specified in paragraph (2)”;
  - (b) omit paragraph (2).

#### Commencement Information

**I8** Reg. 9 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

### Amendment of regulation 14 (authorisation schemes)

- 10.—(1) Omit regulation 14(2)(a).
- (2) In regulation 14(3)—
- (a) in sub-paragraph (a), for “implementing an EU obligation” substitute “ other than retained direct EU legislation which, immediately before [<sup>F4</sup>IP completion day], implemented an EU obligation ”;
  - (b) for sub-paragraph (b) substitute—
    - “(b) a provision of retained direct EU legislation which, immediately before [<sup>F4</sup>IP completion day], was contained in an EU instrument that came into force before these Regulations were made.”.

#### Textual Amendments

**F4** Words in reg. 10(2) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), regs. 1(3), 3(2)(b)

#### Commencement Information

**I9** Reg. 10 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

### Amendment of regulation 15 (conditions for the granting of authorisation)

- 11.—(1) Omit regulation 15(2)(a).
- (2) In regulation 15(3)(a), omit “or in another EEA state”.

#### Commencement Information

**I10** Reg. 11 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

### Amendment of regulation 17 (selection from among several candidates)

12. In regulation 17(4), for “EU law” substitute “ retained EU law ”.

#### Commencement Information

**I11** Reg. 12 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

### Amendment of regulation 21 (prohibited requirements)

- 13.—(1) In regulation 21(1), omit sub-paragraphs (a) – (d) and (g).
- (2) Omit regulation 21(4).

#### Commencement Information

I12 Reg. 13 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

### Amendment of regulation 22 (requirements subject to evaluation)

- 14.—(1) In regulation 22(2)(d)—
  - (a) in paragraph (i), after “covered by” insert “ retained EU law which, immediately before [<sup>F5</sup>IP completion day], implemented an obligation under ”;
  - (b) in paragraph (ii), for “EU instruments” substitute “ retained EU law ”.
- (2) Omit regulation 22(3)(a).
- (3) In regulation 22(5), omit “, in accordance with EU law,”.

#### Textual Amendments

F5 Words in reg. 14(1)(a) substituted (31.12.2020 immediately before IP completion day) by The Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1038), regs. 1(3), 3(2)(c)

#### Commencement Information

I13 Reg. 14 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

### Revocation of Part 4 (duties of competent authorities in relation to providers of services provided from another EEA state)

15. Omit Part 4.

#### Commencement Information

I14 Reg. 15 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

### Revocation of Part 5 (recipients of services)

16. Omit Part 5.

#### Commencement Information

I15 Reg. 16 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

### Amendment of regulation 31 (certificates and other documents)

- 17.—(1) In regulation 31(3)(a), for “another EU instrument” substitute “ other retained EU law ”.
- (2) Omit regulation 31(5)(a) – (e).

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Provision of Services (Amendment etc.) (EU Exit) Regulations 2018, PART 2. (See end of Document for details)*

(3) For regulation 31(5)(h) substitute—

“(h) regulations 61(1), 61(4) and (5) and 63 of the Public Contracts (Scotland) Regulations 2015;”.

(4) For regulation 31(5)(k) substitute—

“(k) regulations 38, 39 and 40 of the European Union (Recognition of Professional Qualifications) Regulations 2015.”.

**Commencement Information**

**I16** Reg. 17 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

**Revocation of regulation 33 (insurance)**

**18.** Omit regulation 33.

**Commencement Information**

**I17** Reg. 18 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

**Amendment of regulation 34 (commercial communications by regulated professions)**

**19.** Omit regulation 34(3)(a).

**Commencement Information**

**I18** Reg. 19 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

**Revocation of Part 9 (administrative co-operation between EEA states)**

**20.** Omit Part 9.

**Commencement Information**

**I19** Reg. 20 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

**Revocation of regulation 46 (disclosure of information under Employment Agencies Act 1973)**

**21.** Omit regulation 46.

**Commencement Information**

**I20** Reg. 21 in force on IP completion day, see reg. 1 and 2020 c. 1, Sch. 5 para. 1(1)

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Provision of Services (Amendment etc.) (EU Exit) Regulations 2018, PART 2.