

2018 No. 1329

EXITING THE EUROPEAN UNION

PROVISION OF SERVICES

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

<i>Sift requirements satisfied</i>	<i>27th November 2018</i>
<i>Made - - - -</i>	<i>10th December 2018</i>
<i>Laid before Parliament</i>	<i>12th December 2018</i>
<i>Coming into force in accordance with regulation 1</i>	

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018(a).

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Provision of Services (Amendment etc.) (EU Exit) Regulations 2018 and come into force on exit day.

(2) Any amendment or revocation made by these Regulations has the same extent as the provision to which the amendment or revocation relates.

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(b) are amended in accordance with this Part.

(a) 2018 c. 16.

(b) 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”.

Amendment of regulation 4 (interpretation: general)

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

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”(a);

(b) in sub-paragraph (c)—

(i) omit “in accordance with EU law”;

(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.”.

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”(b);

(b) for sub-paragraph (a)(ii) substitute—

“(ii) immediately before exit 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—

(a) “Retained EU law” is defined in Schedule 1 to the Interpretation Act 1978 c. 30.

(b) “Retained direct EU legislation” is defined in Schedule 1 to the Interpretation Act 1978 c. 30.

“(ii) immediately before exit 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 exit day, the provision was contained in an EU instrument that came into force before these Regulations were made.”.

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”(a);
- (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”.

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”.

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).

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 exit day, implemented an EU obligation”;
- (b) for sub-paragraph (b) substitute—

“(b) a provision of retained direct EU legislation which, immediately before exit day, was contained in an EU instrument that came into force before these Regulations were made.”.

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”.

(a) S.I. 1995/2518.

Amendment of regulation 17 (selection from among several candidates)

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

Amendment of regulation 21 (prohibited requirements)

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

(2) Omit regulation 21(4).

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 exit 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,”.

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

15. Omit Part 4.

Revocation of Part 5 (recipients of services)

16. Omit Part 5.

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).

(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.”.

Revocation of regulation 33 (insurance)

18. Omit regulation 33.

Amendment of regulation 34 (commercial communications by regulated professions)

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

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

20. Omit Part 9.

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

21. Omit regulation 46.

PART 3

Regulation of Insolvency Practitioners

Revocation of the Provision of Services (Insolvency Practitioners) Regulations 2009

22. The Provision of Services (Insolvency Practitioners) Regulations 2009(a) are revoked with the exception of regulation 4 and the amendments made by paragraph 2 and sub-paragraphs (1) to (4) and (7) of paragraph 8 of the Schedule.

Amendment of the Insolvency Practitioner Regulations 2005

23.—(1) Schedule 2 of the Insolvency Practitioner Regulations 2005(b) is amended as follows.

(2) In the heading of paragraph 2A, omit “or professional liability insurance”.

(3) In paragraph 2A, omit sub-paragraph (b) and the “or” preceding it.

(4) Omit paragraphs 8A to 8E.

(5) In paragraph 9, omit sub-paragraphs (3) and (4).

(6) In paragraph 10—

(a) in sub-paragraph (1), for “The documents in sub-paragraph (2)” substitute “The bond referred to in paragraph 3”;

(b) omit sub-paragraph (2);

(c) in sub-paragraph (3) for “The document in sub-paragraph (2)” substitute “The bond referred to in paragraph 3”.

(7) In paragraph 11 omit sub-paragraphs (4) and (5).

Revocation of the Provision of Services (Insolvency Practitioners) Regulations (Northern Ireland) 2009

24. The Provision of Services (Insolvency Practitioners) Regulations (Northern Ireland) 2009(c) are revoked with the exception of regulation 3 and the amendments made by sub-paragraphs (1) to (4) and (7) of paragraph 8 of the Schedule.

Amendment of the Insolvency Practitioner Regulations (Northern Ireland) 2006

25.—(1) Schedule 2 of the Insolvency Practitioner Regulations (Northern Ireland) 2006(d) is amended as follows.

(2) In the heading of paragraph 2A, omit “or professional liability insurance”.

(3) In paragraph 2A, omit sub-paragraph (b) and the “or” preceding it.

(4) Omit paragraphs 8A to 8E.

(5) In paragraph 9, omit sub-paragraphs (3) and (4).

(6) In paragraph 10—

(a) in sub-paragraph (1), for “The documents in sub-paragraph (2)” substitute “The bond referred to in paragraph 3”;

(b) omit sub-paragraph (2);

(c) in sub-paragraph (3) for “The document in sub-paragraph (2)” substitute “The bond referred to in paragraph 3”.

(a) S.I. 2009/3081.

(b) S.I. 2005/524. Relevant amendments were made by S.I. 2009/3081.

(c) S.I. 2009/401

(d) S.I. 2006/33

26. In paragraph 11 omit sub-paragraphs (5) and (6).

PART 4

Amendment of the Employment Agencies Act 1973

Amendment of the Employment Agencies Act 1973

27.—(1) The Employment Agencies Act 1973(a) is amended as follows.

(2) In section 9(4) (information obtained during inspection), omit paragraph (a)(vi).

PART 5

Amendment of retained direct EU legislation

Revocation of Commission Decision 2009/739/EC

28. Commission Decision 2009/739/EC of 2 October 2009 setting out the practical arrangements for the exchange of information means between Member States under Chapter VI of Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market is revoked.

Signed by authority of the Secretary of State for Business, Energy and Industrial Strategy

Richard Harrington

Parliamentary Under Secretary of State, Minister for Business and Industry
Department for Business, Energy and Industrial Strategy

10th December 2018

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in sections 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), 8(2)(c) and 8(3)(a)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of the provision of services. Parts 2 and 3 amend subordinate legislation, Part 4 amends the Employment Agencies Act 1973 (c. 35) and Part 5 revokes other legislation.

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

(a) 1973 c. 35. Relevant amendments were made by S.I. 2009/2999.

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