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STATUTORY INSTRUMENTS

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**2019 No. 834**

**The Law Applicable to Contractual  
Obligations and Non-Contractual Obligations  
(Amendment etc.) (EU Exit) Regulations 2019**

**PART 4**

Amendment of retained EU law

**Amendment of the Rome I Regulation**

**10.**—(1) Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) is amended as follows.

(2) In Article 1 (material scope)—

(a) in paragraph 2(j), for the words beginning with “Article 2” and ending with “assurance” substitute “Article 2(1) of Directive 2009/138/EU(1) which carry on life assurance under Article 2(3) of that Directive”;

(b) for paragraph 4, substitute—

“4. In this Regulation, “relevant state” means the United Kingdom and—

(a) in Article 3(4) and Article 7, all the Member States;

(b) in all other Articles, the Member States to which Regulation (EC) No. 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I), as it has effect in EU law and as amended from time to time, applies(2).”.

(3) In Article 2 (universal application), for “a Member State”, substitute “the United Kingdom or a part of the United Kingdom”.

(4) In Article 3(4) (parties’ choice of applicable law shall not prejudice application of community law under certain circumstances)—

(a) for “Member States” substitute “relevant states”;

(b) for “Member State”, in the first place it appears, substitute “relevant state”;

(c) for “Community law, where appropriate as implemented in the Member State of the forum,”, substitute “retained EU law”.

(5) In Article 4(1)(h) (applicable law in the absence of choice), for “by Article 4(1), point (17) of Directive 2004/39/EC” substitute “in Part 1 of Schedule 2 to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(3)”.

(6) In Article 6(4) (consumer contracts: general rules not to apply in certain circumstances)—

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(1) OJ L 335, 17.12.2009, p.1.

(2) OJ L 177, 4.7.2008, p.6.

(3) S.I. 2001/544. Schedule 2 was substituted by S.I. 2006/3384. The substituted Schedule 2 was amended by S.I. 2017/488.

- (a) in point (b), for the words from “Council” to the end substitute “Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements<sup>(4)</sup>”;
  - (b) in point (c), for “[Directive 94/47/EC](#)” substitute “[Directive 2008/122/EC](#)<sup>(5)</sup>”.
- (7) In Article 7 (insurance contracts)—
- (a) in paragraph 1—
    - (i) for “Member State” substitute “relevant state”;
    - (ii) for “Member States” substitute “relevant states”;
  - (b) in paragraph 2, for the words from “Article 5(d)” to “life assurance” substitute “Article 13(27) of [Directive 2009/138/EU](#)”;
  - (c) in paragraph 3—
    - (i) for “Member State” in each place it appears substitute “relevant state”;
    - (ii) for “Member States” in each place it appears substitute “relevant states”;
  - (d) in paragraph 4—
    - (i) in the words before point (a) for “rules” substitute “rule”;
    - (ii) for “Member State” in each place it appears substitute “relevant state”;
    - (iii) omit point (b);
  - (e) in paragraph 5, for “Member State” in both places it appears substitute “relevant state”;
  - (f) in paragraph 6—
    - (i) for the words from “Article 2(d)” to “services” substitute “Article 13(13) of [Directive 2009/138/EU](#)”;
    - (ii) for “Article 1(1)(g) of [Directive 2002/83/EC](#)” substitute “Article 13(14) of [Directive 2009/138/EU](#)”.
- (8) Omit Article 22(2) (Member States comprising territorial units with different rules of law not required to apply the Regulation).
- (9) In Article 23 (relationship with other provisions of Community law), and in the heading to that Article, for “Community law”, substitute “retained EU law”.
- (10) In Article 24 (relationship with Rome Convention)—
- (a) for paragraph 1 substitute—
 

“1. This Regulation replaces the provision made by section 2 of, and Schedule 1 to, the Contracts (Applicable Law) Act 1990.”.
  - (b) in paragraph 2 for “provisions of the Rome Convention” substitute “provision made by section 2 of, and Schedule 1 to, the Contracts (Applicable Law) Act 1990” and for “that” substitute “the Rome”.
- (11) In Article 25 (relationship with existing international conventions)—
- (a) in paragraph 1—
    - (i) for “one or more Member States are parties”, substitute “the United Kingdom was a party”;
    - (ii) for “is adopted” substitute “was adopted”;
  - (b) in paragraph 2, for “Member States” substitute “relevant states”.

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(4) OJ L 326, 11.2.2015, p.1.

(5) OJ L 33, 3.2.2009, p.10.

- (12) Omit Articles 26 and 27 (list of conventions and review clause).
- (13) Omit from Article 29 (entry into force and application) to the end.