Draft Regulations laid before Parliament under paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2020 No.

EXITING THE EUROPEAN UNION

ELECTRONIC COMMUNICATIONS

The Communications Act (e-Commerce) (EU Exit) Regulations 2020

Made - - - - ***

Coming into force in accordance with regulation 1

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

In accordance with paragraph 1(3) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Communications Act (e-Commerce) (EU Exit) Regulations 2020 and come into force on IP completion day.

Modification of application of the Communications Act 2003

2. Any rights, powers, liabilities, obligations, restrictions, remedies and procedures applicable in relation to sections 120 to 124 and 128 to 131 of the Communications Act 2003(**b**) which—

(a) continue by virtue of section 4(1) of the European Union (Withdrawal) Act 2018; and

(b) are derived (directly or indirectly) from Article 3 of Directive 2000/31/EC of the European Parliament and of the Council on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market(**c**),

cease to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly).

(**a**) 2018 c. 16; section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).
(**b**) 2003 c. 21; there are amendments not relevant to this instrument.
(**c**) OJ L 178, 17.7.2000, p. 1–16.

Signed

Name
Minister of State
Date Department for Digital, Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 ("the Act") in order to address deficiencies in retained EU law arising from the withdrawal of the United Kingdom from the European Union. The deficiencies fall within section 8(2)(a), (c) and (e) and 8(3)(a) of that Act.

Regulation 2 provides that the directly effective provision of Article 3 of Directive 2000/31/EC – known as the e-Commerce Directive - which would have continued to have effect in UK law after the end of the implementation period by virtue of section 4(1) of the Act, ceases to have effect from the end of the implementation period in relation to sections 120 to 124 (which deal with regulation of premium rate telephone services) and sections 128 to 131 (which deal with persistent misuse of telephone networks) of the Communications Act 2003.

The effect is that the "country of origin" principle established by that Article ceases to have effect and the provisions of the sections of the Communications Act 2003 referred to may be enforced by the enforcement authorities irrespective of the country in which the persons against whom enforcement is taken are established.

An impact assessment has not been published for this instrument as it has no or no significant impact on the private, public and voluntary sectors.

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