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.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2021 No. 0000

CHILDREN AND YOUNG PERSONS

EDUCATION, ENGLAND AND WALES

ELECTRONIC COMMUNICATIONS

The Electronic Commerce Directive (Education, Adoption and Children) (Amendment etc.) Regulations 2021

Made - - - -	***
Coming into force - -	***

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21(b) of Schedule 7 to, 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, commencement and extent

1.—(1) These Regulations may be cited as the Electronic Commerce Directive (Education, Adoption and Children) (Amendment etc.) Regulations 2021 and come into force on the day after the day on which they are made.

(2) Any amendment, repeal or revocation made by these Regulations has the same extent as the provision amended, repealed, or revoked.

Amendment of the Education Act 2002

2.—(1) The Education Act 2002(**b**) is amended as follows.

(2) In Schedule 11B (offence under section 141G: supplementary provisions)(**c**)—

(a) in paragraph 1(2)—

(i) for "The purpose of this Schedule is to comply with" substitute "In this Schedule "the E-Commerce Directive" means";

(ii) omit "("the E-Commerce Directive")";

(**a**) 2018 c. 16.
(**b**) 2002 c. 32.
(**c**) Schedule 11B was inserted by Schedule 4 to the Education Act 2011 (c. 21) and amended by S.I. 2012/1809.

(b) omit paragraphs 2 and 3;

(c) omit paragraph 7(2).

Amendment of the Electronic Commerce Directive (Adoption and Children Act 2002) Regulations 2005

3.—(1) The Electronic Commerce Directive (Adoption and Children Act 2002) Regulations 2005(**a**) are amended as follows.

(2) In regulation 1—

(a) for the heading substitute "Citation and commencement";

(b) omit paragraph (2).

(3) In regulation 2 (interpretation)—

(a) in paragraph (1), omit the definitions of the following—

(i) "the Commission";

(ii) "co-ordinated field";

(iii) "country of origin";

(iv) "EEA State";

(v) "incoming electronic commerce activity";

(vi) "incoming provider";

(vii) "prohibited measure";

(viii) "relevant EEA authority";

(b) in paragraph (2), omit sub-paragraphs (a), (b) and (c).

(4) Omit regulations 3 to 8.

Name
Parliamentary Under Secretary of State
Department for Education

Date

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, and paragraph 21(b) of Schedule 7 to, 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), (c) and (d) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations amend the Education Act 2002 (c. 32) ("the 2002 Act") and the Electronic Commerce Directive (Adoption and Children Act 2002) Regulations 2005 (S.I. 2005/3222) ("the 2005 Regulations"). Together, the amendments provide for the disapplication of the "country of origin" principle in relation to information society services (defined in Article 2(a) of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market) in respect of certain matters under the 2002 Act and the 2005 Regulations respectively.

(**a**) S.I. 2005/3222, amended by S.I. 2011/1043, 2012/1809; there are other amending instruments but none is relevant.

The amendments to the 2002 Act relate to provision in Schedule 11B to that Act (which supplements section 141G of that Act in relation to publishing a matter in breach of restrictions on reporting alleged offences by teachers in section 141F(3); those provisions extend to England and Wales only). The effect of the amendments is to disapply the country of origin principle in respect of information society services which have potentially breached the reporting restrictions under section 141F of the 2002 Act.

The amendments to the 2005 Regulations provide for the disapplication of the country of origin principle in relation to information society services in the application of sections 92 and 93 of the Adoption and Children Act 2002 (c. 38) (restriction on arranging adoptions) and sections 123 and 124 of that Act (restriction on advertising adoptions).

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

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