STATUTORY INSTRUMENTS

2026 No. 435

RETAINED EU LAW REFORM

PROVISION OF SERVICES

The Provision of Services (Amendment and Transitional Provision) Regulations 2026

Sift requirements satisfied	*24th March 2026*
Made - - - -	*15th April 2026*
Laid before Parliament	*21st April 2026*
Coming into force - -	*1st October 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 12(1), 14(1), 14(2) and 20(1)(a) and (b) of the Retained EU Law (Revocation and Reform) Act 2023(**a**) ("the 2023 Act").

The Secretary of State is a relevant national authority for the purposes of sections 12(1), 14(1) and 14(2) of the 2023 Act(**b**).

The requirements of paragraph 6(2) of Schedule 5 to the 2023 Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Provision of Services (Amendment and Transitional Provision) Regulations 2026.

(2) These Regulations come into force on 1st October 2026.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(4) In these Regulations, "the 2009 Regulations" means the Provision of Services Regulations 2009(**c**).

Amendments to the 2009 Regulations

2. The 2009 Regulations are amended as follows.

3. In regulation 4 (interpretation: general)—

(**a**) 2023 c. 28.
(**b**) The term "relevant national authority" is defined in section 21(1) of the 2023 Act.
(**c**) S.I. 2009/2999. Relevant amendments were made by S.I. 2011/1043 and S.I. 2018/1329.

(a) following the definition of "authorisation scheme", insert—

""complete for the purposes of processing" means a competent authority has received all the application information and documentation required under the relevant authorisation scheme to enable it to process the application, and references to an "incomplete" application shall be construed accordingly;";

(b) for the definition of "provider", substitute—

""provider", in relation to a service, means a person who provides, or offers to provide, the service in the United Kingdom and "provision of a service" shall be construed accordingly;";

(c) for the definition of "recipient", substitute—

""recipient", in relation to a service, means a person in the United Kingdom who, for professional or non-professional purposes, uses, or wishes to use, the service and "recipient of a service" shall be construed accordingly.".

4. In regulation 5 (general exclusions and savings), omit paragraphs (3) to (5).

5. Omit regulation 13 (application of this Part).

6. In regulation 14 (authorisation schemes), in paragraph (3), substitute "20" for "20C".

7. In regulation 18 (authorisation schemes: general requirements), for paragraph (4), substitute—

"(4) Any charges provided for by a competent authority which applicants may incur under an authorisation scheme must—

(a) be reasonable and proportionate to the costs incurred by the competent authority in carrying out the relevant procedures and formalities under the scheme,

(b) not exceed the cost of those procedures and formalities, and

(c) in so far as they are charges for determining an application for authorisation, relate only to the costs incurred in carrying out the procedures and formalities necessary for determining that application.".

8. In regulation 19 (authorisation procedures: time for dealing with application)—

(a) for paragraph (1), substitute—

"(1) A competent authority must ensure that the procedures and formalities of an authorisation scheme provide for applications for authorisation to be processed as quickly as possible and, in any event, within a reasonable period from the time an application is complete for the purposes of processing.".

(b) for paragraph (4), substitute—

"(4) The extension and its duration must be notified to the applicant in writing, with reasons, before the original period has expired.".

9. For regulation 20 (authorisation procedures: other requirements), substitute—

"Authorisation procedures: acknowledgment and review of applications

20.—(1) All applications to a competent authority under an authorisation scheme must be acknowledged in writing as quickly as possible by sending the applicant the relevant acknowledgement or notice under paragraph (3), (4) or (6).

(2) A competent authority must assess whether an application is complete for the purposes of processing without undue delay.

(3) Where, on receipt of an application, a competent authority requires time to assess whether it is complete for the purposes of processing, it must send an acknowledgement to the applicant informing them that—

(a) the completeness of the application is under review, and

(b) the application processing period has not begun.

(4) Where a competent authority determines that an application is complete for the purposes of processing under paragraph (2), whether following receipt of the application or following the receipt of further information or documentation under paragraph (5), it must send a notice to the applicant specifying—

(a) that the application submitted is complete for the purposes of processing,

(b) the date the application processing period begins and its duration, and

(c) the available means of redress in the event of a dispute between a competent authority and an applicant.

(5) Where a competent authority determines that an application is incomplete it must, where practicable, give the applicant the opportunity to provide the additional information or documentation required for the application to be considered complete for the purposes of processing, without being required to submit a new application.

(6) Where an application is incomplete, the competent authority must notify the applicant—

(a) that the application is incomplete,

(b) whether they can provide further information or documentation, and

(c) what information or documentation is required for the application to be considered complete for the purposes of processing.

(7) Where a competent authority permits an applicant to provide further information or documentation—

(a) this must be limited to the matters identified by the competent authority, and

(b) the competent authority must—

(i) specify a reasonable period of time within which the applicant must provide the information or documentation, and

(ii) explain the effect of failing to submit information or documentation by the end of the specified period.

Authorisation procedures: decisions and further applications

20A.—(1) Where an application for authorisation is rejected, the applicant must be informed in writing as quickly as possible—

(a) that their application has been rejected,

(b) the reasons for that rejection, and

(c) where applicable, the procedure for resubmission of the application.

(2) A competent authority must not restrict an applicant from submitting another application solely on the basis of a previously rejected application.

(3) A competent authority must notify the applicant in writing of its decision to grant or refuse an application for authorisation within a reasonable period, and in any event by the end of the processing period specified in the notice sent to the applicant under regulation 20(4).

(4) A competent authority is not required to notify the applicant of its decision to grant the application where it is deemed granted under regulation 19(5).

Authorisation procedures: status updates and other processing requirements

20B.—(1) A competent authority must, on request by an applicant, provide the applicant with information concerning the status of its application for authorisation without undue delay.

(2) A competent authority must, where reasonably practicable, ensure that applications for authorisation may be submitted and processed throughout the year.

(3) Where a competent authority requires an applicant to apply for an authorisation within a specified period, it must ensure that the period is sufficient to allow the application to be submitted before the period ends.

Authorisation procedures: examinations

20C. Where a competent authority requires an applicant to undertake an examination for authorisation, the competent authority must, where reasonably practicable—

(a) schedule examinations at reasonably frequent intervals,

(b) provide a reasonable period of time for applicants to request to take the examination,

(c) accept requests to take such examinations in electronic format, and

(d) consider the use of electronic means in other aspects of the examination process.".

10. In regulation 36 (information to be provided to the Secretary of State), for paragraph (1), substitute—

"(1) The competent authority for a service activity must provide, or make accessible, the following information in electronic form to the Secretary of State—

(a) the contact details of the competent authority;

(b) in relation to authorisation procedures—

(i) the procedures and formalities applicable to an authorisation scheme,

(ii) any technical standards applicable to the authorisation scheme,

(iii) a list of the information and documentation required for an application to be considered complete for the purposes of processing, so the processing period may commence,

(iv) where an application for authorisation must be submitted during a specified period of time, details of any such period,

(v) the duration of the processing period,

(vi) whether an authorisation can be deemed granted under regulation 19(5) and, if not, which overriding reasons relating to the public interest are being relied upon to disapply it, as required by regulation 19(6), and

(vii) where applicable to the authorisation scheme, opportunities for public participation in the authorisation process, including but not limited to public hearings, consultations or the submission of written comments;

(c) the means of, and conditions for, accessing public registers on providers of the service, and the service;

(d) the charges applicable to the authorisation scheme;

(e) in relation to the duration of an authorisation—

(i) the duration of an authorisation under regulation 16(1), including whether it is indefinite or subject to renewal on a fixed date, and

(ii) where applicable, the overriding reason in the public interest relied upon to limit the duration of an authorisation;

(f) in relation to redress and oversight of an authorisation scheme—

(i) the procedure and time frame for appealing against a decision to reject an application, and

(ii) the procedures for monitoring and enforcing compliance with the authorisation scheme;

(1A) A competent authority may satisfy the requirements of paragraph (1) by providing the information through the electronic assistance facility referred to in regulation 38, or on its website.".

11. In regulation 37 (information to be provided to providers and recipients on request), in paragraph (1), for "36(1)(a)" substitute "36(1)(b)(i)".

Saving and transitional provision

12. An application for authorisation received by a competent authority before the coming into force date shall be determined in accordance with the provisions of the 2009 Regulations as they had effect immediately before these Regulations came into force.

Blair McDougall
Parliamentary Under-Secretary of State
Department for Business and Trade

15th April 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Provision of Services Regulations 2009 ("the 2009 Regulations"). They restate, revoke or revoke and replace provisions that are secondary assimilated law within the meaning of section 12(2) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28). They also make saving and transitional provision.

Regulations 3 to 11 amend the 2009 Regulations to align them more closely with the United Kingdom's domestic regulation commitments in its Free Trade Agreements and clarify competent authorities' obligations in relation to authorisation schemes.

Regulation 3 revokes and replaces the definitions of "provider" and "recipient" in regulation 4. Regulation 4 revokes regulations 5(3) to (5) of the 2009 Regulations. These amendments ensure the 2009 Regulations reflect the current domestic position by removing nationality-based distinctions that have not applied in practice, and align them more closely them with the United Kingdom's international commitments.

Regulation 7 revokes and replaces regulation 18(4) to clarify what charges a competent authority may require an applicant to pay when making an initial application for authorisation.

Regulations 8 and 9 restate regulation 19(1) and revoke and replace regulations 19(4) and 20. These amendments clarify processes relating to the handling of applications by competent authorities, including when an application is to be treated as complete and how acknowledgements and determinations must be communicated.

Regulation 10 amends regulation 36(1) to clarify the information that a competent authority must make available in electronic format and how that obligation may be met.

Regulation 12 makes transitional provision for applications for authorisation submitted before these Regulations come into force, but which remain to be determined after that date.

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

An Explanatory Memorandum has been published alongside this instrument at www.legislation.gov.uk.

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