

2002 No.

FINANCIAL SERVICES AND MARKETS

ELECTRONIC COMMUNICATIONS

The Electronic Commerce Directive (Financial Services and Markets) (Amendment) Regulations 2002

<i>Made</i> - - - -	2002
<i>Laid before Parliament</i>	2002
<i>Coming into force</i> - -	2002

The Treasury, being a government department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to information society services, in exercise of the powers conferred by that section, hereby make the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Electronic Commerce Directive (Financial Services and Markets) (Amendment) Regulations 2002, and come into force on 21 August 2002.

Amendment of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002

2. The Electronic Commerce Directive (Financial Services and Markets) Regulations 2002(c) are amended by inserting, after regulation 18-

“Exclusion of general regulations

19.—(1) Regulation 4(1) of the general regulations does not affect any legal requirement imposed by or under the 2000 Act or these Regulations.

(2) Regulation 4(2) and (3) of the general regulations do not apply to the Authority or any enforcement authority in respect of its responsibility in relation to a requirement of the kind mentioned in paragraph (1).

(3) A rule that corresponds to a relevant regulation applies instead of that regulation.

(a) S.I. 2001/3495.

(b) 1972 c. 68. By virtue of the amendment of s. 1(2) made by s. 1 of the European Economic Area Act 1993 (c. 51) regulations may be made under s. 2(2) to implement obligations of the United Kingdom created by or arising under the Agreement on the European Economic Area signed at Oporto on 2 May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17 March 1993 (Cm 2183).

(c) S.I. 2002/[].

(4) The reference in regulation 19(c) of the general regulations to regulation 5(1)(c) of those regulations is to be taken to include a reference to a provision in a rule that corresponds to regulation 5(1)(c) (and so applies in its stead by virtue of paragraph (3)).

(5) In this regulation—

“enforcement authority” has the same meaning as in the general regulations;

“general regulations” means the Electronic Commerce (EC Directive) Regulations 2002(a);

“relevant regulation” means regulation 5 to 8, 10 or 13 of the general regulations.”.

2002

Two of the Lords Commissioners of
Her Majesty's Treasury

(a) S.I. 2002/[].

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (“the principal regulations”) to take account of the enactment of the Electronic Commerce (EC Directive) Regulations 2002 (“the general regulations”), made by the Secretary of State for Trade and Industry. The principal regulations give effect to the European Parliament and Council Directive of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (No. 2000/31/EC; O.J. L178/1, 17 July 2000) (“the Directive”), in respect of matters within the scope of regulation by the Financial Services Authority (“FSA”) under the Financial Services and Markets Act 2000 (c. 8). The general regulations give effect to the Directive in other areas.

The purpose of the amendment is to ensure that the two sets of regulations do not overlap, by excluding the application of certain provisions of the general regulations in areas where the principal regulations, or, in some cases, rules made by the FSA, apply.