

2005 No. 148

UNSOLICITED GOODS AND SERVICES

The Unsolicited Goods and Services Act 1971 (Electronic Commerce) (Amendment) Regulations 2005

<i>Made</i> - - - -	<i>12th January 2005</i>
<i>Laid before Parliament</i>	<i>31st January 2005</i>
<i>Coming into force</i> - -	<i>6th April 2005</i>

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to information society services and electronic communications, in exercise of the powers conferred upon her by that section, makes the following Regulations:

Citation, Commencement and Extent

1.—(1) These Regulations may be cited as the Unsolicited Goods and Services Act 1971 (Electronic Commerce) (Amendment) Regulations 2005 and shall come into force immediately after the Regulatory Reform (Unsolicited Goods and Services Act 1971) (Directories Entries and Demands for Payment) Order 2005(c) comes into force.

(2) These Regulations do not extend to Northern Ireland.

Amendment to the Unsolicited Goods and Services Act 1971

2. In section 3(3)(a) of the Unsolicited Goods and Services Act 1971(d) (orders for entries), for the words “and bearing, in print,” substitute—

“,which may be sent electronically but which must bear”.

12th January 2005

Gerry Sutcliffe
Parliamentary Under Secretary of State for
Employment Relations, Consumers and Postal Services
Department of Trade and Industry

(a) S.I. 2001/2555, S.I. 2001/3495.

(b) 1972 c.68.

(c) S.I. 2005/55

(d) 1971 c. 30, as amended by the Regulatory Reform (Unsolicited Goods and Services Act 1971) (Directories Entries and Demands for Payment) Order 2005.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend section 3(3)(a) of the Unsolicited Goods and Services Act 1971 (“the 1971 Act”), to bring section 3 into compliance with article 9(1) of the 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 (Directive on electronic commerce) (OJ L178, 17.7.2000, p.1).

Section 3 of the 1971 Act imposes requirements as to how agreements may be made for entries in directories. Subsection 3(1)(a) permits agreements to be made by way of an order, the requirements for which are prescribed by section 3(3)(a). These Regulations amend that section so that orders may be sent electronically provided certain specified requirements are met.

These Regulations come into force immediately after the Regulatory Reform (Unsolicited Goods and Services Act 1971) (Directory Entries and Demands for Payment) Order 2004 (“the Order”) comes into force. The Order also amends the 1971 Act and will come into force twelve weeks after it is made.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from the DTI Publications Orderline, Admail 528, London SW1W 8YT, telephone 0870 1502 500, fax 0870 1502 333, minicom 0870 1502 100.

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