
STATUTORY INSTRUMENTS

2014 No. 1937

PROVISION OF SERVICES

The Provision of Services (Amendment) Regulations 2014

<i>Made</i>	- - - -	<i>21st July 2014</i>
<i>Laid before Parliament</i>		<i>22nd July 2014</i>
<i>Coming into force</i>	- -	<i>6th April 2016</i>

The Secretary of State is a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to services in the internal market. The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

Citation and commencement

1. These Regulations may be cited as the Provision of Services (Amendment) Regulations 2014 and come into force on 6th April 2016.

Amendments to the Provision of Services Regulations 2009

2. (1) The Provision of Services Regulations 2009⁽³⁾ are amended as follows.

(2) For regulations 15(5) and (6), substitute—

“(5) Paragraph (5A) applies in the case of an authorisation granted under an authorisation scheme by a competent authority whose functions relate to the whole of the United Kingdom.

(5A) The provider of the service must be able to have access to the service activity, or to exercise that activity, throughout the United Kingdom by virtue of the authorisation.

(5B) Paragraph (5C) applies in the case of an authorisation granted under an authorisation scheme by a competent authority whose functions relate only to part of the United Kingdom (a “territorial authority”).

(5C) The provider of the service must be able to have access to the service activity, or to exercise that activity, throughout the United Kingdom by virtue of the authorisation

(1) [S.I. 2009/221](#).

(2) [1972 c.68](#). Section 2(2) was amended by the Legislative and Regulatory Reform Act [2006 \(c.51\)](#), section 27(1)(a), and by the European Union (Amendment) Act [2008 \(c. 7\)](#), Schedule, Part 1.

(3) [S.I. 2009/2999](#).

and authorisations granted or treated as granted under an authorisation scheme by other territorial authorities.

(5D) Paragraphs (5A) and (5C) do not apply where an authorisation for each individual establishment or a limitation of the authorisation to a particular part or area of the United Kingdom is justified by an overriding reason relating to the public interest.

(5E) The references in paragraphs (5A) and (5C) to the provider of the service having access to the service activity, or exercising that activity, include doing those things by means of setting up agencies, subsidiaries, branches or offices.”

(3) In regulation 38(1), for “The Secretary of State and the Commissioners for Revenue and Customs must jointly provide a facility for”, substitute “The Secretary of State, any other Minister of the Crown with responsibility for a government department, or any government department must provide a facility for”.

21st July 2014

Livingston of Parkhead
Minister of State for Trade and Investment
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Provision of Services Regulations 2009 (S.I. 2009/2999) (the “2009 Regulations”). The 2009 Regulations implement Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (OJNo. L 376, 27.12.2006, p.36) (the “Services Directive”).

Regulation 2(2) amends regulations 15(5) and (6) of the 2009 Regulations, which implement Article 10(4) of the Services Directive. The amendment provides that where an authorisation is granted by a competent authority whose functions relate to the whole of the United Kingdom, the service provider must be able to have access to, or to exercise, the service activity throughout the whole of the United Kingdom. The amendment also provides that where an authorisation is granted by a competent authority whose functions relate only to part of the United Kingdom (a “territorial authority”) the service provider must be able to have access to, or to exercise, the service activity throughout the whole of the United Kingdom by virtue of the authorisation and authorisations granted or treated as granted by other territorial authorities. The amendment clarifies that these provisions do not apply where an authorisation for an individual establishment or a limitation of the authorisation to a particular area or part of the United Kingdom is justified by an overriding reason relating to the public interest.

Regulation 2(3) amends regulation 38(1) of the 2009 Regulations to transfer the duty to establish an electronic assistance facility from the Secretary of State and the Commissioners for Revenue and Customs jointly to the Secretary of State, any other Minister of the Crown with responsibility for a government department, or any government department.

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