

## SCHEDULE 2

### Amendments

## PART 1

### Amendments to Acts

#### **Anglo-Portuguese Commercial Treaty Act 1914**

1. In section 1 of the Anglo-Portuguese Commercial Treaty Act 1914<sup>(1)</sup> (meaning of “port” and “madeira” as applied to wine) omit the words from “Provided that” to the end.

#### **Anglo-Portuguese Commercial Treaty Act 1916**

2. In section 1(1) of the Anglo-Portuguese Commercial Treaty Act 1916<sup>(2)</sup> (further limitation of the use of the description “port”) omit the words from “Provided that” to the end.

#### **Fraudulent Mediums Act 1951**

3. The Fraudulent Mediums Act 1951<sup>(3)</sup> shall cease to have effect.

#### **Trading Representations (Disabled Persons) Act 1958**

4. The Trading Representations (Disabled Persons) Act 1958<sup>(4)</sup> shall cease to have effect.

#### **Trading Representations (Disabled Persons) Act (Northern Ireland) 1958**

5. The Trading Representations (Disabled Persons) Act (Northern Ireland) 1958<sup>(5)</sup> shall cease to have effect.

#### **Mock Auctions Act 1961**

6. The Mock Auctions Act 1961<sup>(6)</sup> shall cease to have effect.

#### **Trade Descriptions Act 1968**

7. The Trade Descriptions Act 1968<sup>(7)</sup> is amended as follows.

8. The following provisions shall cease to have effect—

- (a) section 1(1) (prohibition of false trade descriptions);
- (b) section 5 (trade descriptions used in advertisements);
- (c) section 6 (offer to supply);
- (d) sections 7 to 10 (power to define terms and to require display etc. of information);
- (e) sections 13 to 15 (false representations or statements concerning services etc);

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(1) 1914 c.1; section 1 was amended by paragraph 1 of Schedule 1 to the Trade Descriptions Act 1968 (c.29).

(2) 1916 c.39; section 1 was amended by paragraph 2 of Schedule 1 to the Trade Descriptions Act 1968 (c.29).

(3) 1951 c.33.

(4) 1958 c.49.

(5) 1958 c.24 (N.I.).

(6) 1961 c.47.

(7) 1968 c.29.

- (f) section 21(1) and (2) (accessories to offences committed abroad);
- (g) section 22 (restrictions on institution of proceedings and admission of evidence);
- (h) section 32 (power to exempt goods sold for export, etc);
- (i) section 37 (market research experiments);
- (j) section 39(2) (interpretation).

9. In section 1, for subsection (2) substitute—

“(2) Sections 2 to 4 shall have effect for the interpretation of expressions used in this Act

10. In section 12 (false representations as to royal approval or award, etc), after subsection (2) add—

“(3) A person shall not be guilty of an offence under subsection (1) or (2) by reason of doing anything that is a commercial practice unless the commercial practice is unfair.

In this subsection “commercial practice” and “unfair” have the same meaning as in the Consumer Protection from Unfair Trading Regulations 2008.”.

11. In section 38 (orders), in subsection (3), for the words from “section 7” to “thereof” substitute “section 36 of this Act”.

12. In section 39 (interpretation), in subsection (1), for “2 to 6” substitute “2 to 4”.

#### **Administration of Justice Act 1970**

13. In section 40 of the Administration of Justice Act 1970<sup>(8)</sup> (punishment for unlawful harassment of debtors), after subsection (3) insert—

“(3A) Subsection (1) above does not apply to anything done by a person to another in circumstances where what is done is a commercial practice within the meaning of the Consumer Protection from Unfair Trading Regulations 2008 and the other is a consumer in relation to that practice.”.

#### **Greater London Council (General Powers) Act 1972**

14. In section 17 of the Greater London Council (General Powers) Act 1972<sup>(9)</sup> (duty to give information in certain cases), in subsection (5)—

(a) at the end of paragraph (b) omit “or”, and

(b) after paragraph (c) insert—

“(d) the Business Protection from Misleading Marketing Regulations 2008; or

(e) the Consumer Protection from Unfair Trading Regulations 2008.”.

#### **Fair Trading Act 1973**

15. Sections 29 to 33 of the Fair Trading Act 1973<sup>(10)</sup> shall cease to have effect, except in so far as they are applied by section 123 of that Act.

<sup>(8)</sup> 1970 c.31..

<sup>(9)</sup> 1972 c.xl.

<sup>(10)</sup> 1973 c.41.

## **Hallmarking Act 1973**

**16.**—(1) Section 1 of the Hallmarking Act 1973<sup>(11)</sup> (prohibited descriptions of unhallmarked articles) is amended as follows.

(2) Subsection (4) is omitted.

(3) Before subsection (5) insert—

“(4A) Subsection (4B) applies in any case where—

- (a) the giving of a description of the fineness (whether in parts per thousand or otherwise) of any precious metal constitutes advertising within the meaning of the Business Protection from Misleading Marketing Regulations 2008, and
- (b) the description is false to any extent or degree (except by understating the fineness).

(4B) In any such case, the giving of the description is to be treated as satisfying the requirements of regulation 3(2) of those Regulations (requirements for advertising to be misleading).

(4C) Subsection (4D) applies in any case where—

- (a) the giving of a description of the fineness (whether in parts per thousand or otherwise) of any precious metal constitutes a commercial practice within the meaning of the Consumer Protection from Unfair Trading Regulations 2008, and
- (b) the description is false to any extent or degree (except by understating the fineness).

(4D) In any such case, the giving of the description is to be treated as satisfying the conditions in regulation 5(2) of those Regulations (conditions for a commercial practice to be a misleading action).”.

(4) In Part 3 of Schedule 1 (use of the words “carats”, etc), in paragraph 1, for “and the Act of 1968” substitute “, the Business Protection from Misleading Marketing Regulations 2008 and the Consumer Protection from Unfair Trading Regulations 2008”.

## **Consumer Credit Act 1974**

**17.** The Consumer Credit Act 1974<sup>(12)</sup> is amended as follows.

**18.** Section 46 (false or misleading advertisements) shall cease to have effect.

**19.** In section 77 (duty to give information to debtor under fixed-sum credit agreement), in subsection (4), omit paragraph (b) and the “and” preceding it.

**20.** In section 78 (duty to give information to debtor under running-account credit agreement), in subsection (6), omit paragraph (b) and the “and” preceding it.

**21.** In section 79 (duty to give hirer information), in subsection (3), omit paragraph (b) and the “and” preceding it.

**22.** In section 85 (duty on issue of new credit tokens), in subsection (2), omit paragraph (b) and the “and” preceding it.

**23.** In section 97 (duty to give information), in subsection (3), omit paragraph (b) and the “and” preceding it.

**24.** In section 103 (termination statements)—

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(11) 1973 c.43.

(12) 1974 c.39.

*Status: This is the original version (as it was originally made).*

- (a) omit subsection (5), and
- (b) at the end insert—

“(6) A breach of the duty imposed by subsection (1) is actionable as a breach of statutory duty.”.

**25.** In section 107 (duty to give information to surety under fixed-sum credit agreement), in subsection (4), omit paragraph (b) and the “and” preceding it.

**26.** In section 108 (duty to give information to surety under running-account credit agreement), in subsection (4), omit paragraph (b) and the “and” preceding it.

**27.** In section 109 (duty to give information to surety under consumer hire agreement), in subsection (3), omit paragraph (b) and the “and” preceding it.

**28.** In section 110 (duty to give information to debtor or hirer), in subsection (3), omit paragraph (b) and the “and” preceding it.

#### **Telecommunications Act 1984**

**29.** In section 101 of the Telecommunications Act 1984(**13**) (general restrictions on disclosure of information), in subsection (3)—

- (a) omit the paragraph (i) relating to the Control of Misleading Advertisements Regulations 1988, and
- (b) after paragraph (t) insert—
  - “(u) the Business Protection from Misleading Marketing Regulations 2008;
  - (v) the Consumer Protection from Unfair Trading Regulations 2008.”.

#### **Companies Act 1985**

**30.** In Schedule 15D to the Companies Act 1985(**14**) (disclosures), in paragraph 17—

- (a) omit paragraph (h), and
- (b) after paragraph (i) insert—
  - “(j) the Business Protection from Misleading Marketing Regulations 2008;
  - (k) the Consumer Protection from Unfair Trading Regulations 2008.”.

#### **Weights and Measures Act 1985**

**31.** Section 29 of the Weights and Measures Act 1985(**15**) (misrepresentation) shall cease to have effect.

#### **Airports Act 1986**

**32.** In section 74 of the Airports Act 1986(**16**) (restrictions on disclosure of information), in subsection (3)—

- (a) omit paragraph (j), and
- (b) after paragraph (t) insert—

(13) 1984 c.12; section 103(3)(s) and (t) were inserted by S.I. 2006/3336 (N.I. 21).

(14) 1985 c.6; schedule 15D was inserted by section 25(1) of and paragraphs 16 and 25 of Schedule 2 to the Companies (Audit, Investigations and Community Enterprise) Act 2004 (c.27).

(15) 1985 c.72.

(16) 1986 c.31; section 74(3)(t) was inserted by S.I. 2006/3336 (N.I.21).

- “(u) the Business Protection from Misleading Marketing Regulations 2008;
- (v) the Consumer Protection from Unfair Trading Regulations 2008.”.

### **Consumer Protection Act 1987**

- 33.** The Consumer Protection Act 1987(17) is amended as follows.
- 34.** Sections 20 to 26 (misleading price indications) shall cease to have effect.
- 35.** In section 39 (defence of due diligence), in subsection (5), for “, 14(6) or 20(1)” substitute “or 14(6)”.
- 36.** In section 46 (meaning of “supply”), in subsection (7), for “Parts II to IV” substitute “Part 2 or Part 4”.
- 37.** In section 49 (Northern Ireland), in subsection (1)(a), for “Parts I and III” substitute “Part 1”.

### **County of Cleveland Act 1987**

- 38.** In section 23 of the County of Cleveland Act 1987(18) (control of occasional sales), subsections (6) and (7) shall cease to have effect.

### **Copyright, Designs and Patents Act 1988**

- 39.** The Copyright, Designs and Patents Act 1988(19) is amended as follows.
- 40.** In section 114A (forfeiture of infringing copies, etc: England and Wales or Northern Ireland), in subsection (2), for the “or” at the end of paragraph (b) substitute—
  - “(ba) an offence under the Business Protection from Misleading Marketing Regulations 2008,
  - (bb) an offence under the Consumer Protection from Unfair Trading Regulations 2008, or”.
- 41.** In section 114B (forfeiture of infringing copies, etc: Scotland), in subsection (15), for the definition of “relevant offence” substitute—
  - ““relevant offence” means—
  - (a) an offence under section 107(1), (2) or (2A) (criminal liability for making or dealing with infringing articles, etc),
  - (b) an offence under the Trade Descriptions Act 1968,
  - (c) an offence under the Business Protection from Misleading Marketing Regulations 2008,
  - (d) an offence under the Consumer Protection from Unfair Trading Regulations 2008, or
  - (e) any offence involving dishonesty or deception;”.
- 42.** In section 204A (forfeiture of illicit recordings: England and Wales or Northern Ireland), in subsection (2), for the “or” at the end of paragraph (b) substitute—
  - “(ba) an offence under the Business Protection from Misleading Marketing Regulations 2008,

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(17) 1987 c.43.

(18) 1987 c.ix.

(19) 1988 c.25; sections 114A and 114B were inserted by section 3 of the Copyright, etc and Trade Marks (Offences and Enforcement) Act 2002 (c.22). Sections 204A and 204B were inserted by section 4 of that Act. Sections 297C and 297D were inserted by section 5 of that Act.

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(bb) an offence under the Consumer Protection from Unfair Trading Regulations 2008, or”.

**43.** In section 204B (forfeiture: Scotland), in subsection (15), for the definition of “relevant offence” substitute—

““relevant offence” means—

- (a) an offence under section 198(1) or (1A) (criminal liability for making or dealing with illicit recordings),
- (b) an offence under the Trade Descriptions Act 1968,
- (c) an offence under the Business Protection from Misleading Marketing Regulations 2008,
- (d) an offence under the Consumer Protection from Unfair Trading Regulations 2008, or
- (e) any offence involving dishonesty or deception;”.

**44.** In section 297C (forfeiture of unauthorised decoders: England and Wales or Northern Ireland), in subsection (2), for the “or” at the end of paragraph (b) substitute—

“(ba) an offence under the Business Protection from Misleading Marketing Regulations 2008,

(bb) an offence under the Consumer Protection from Unfair Trading Regulations 2008, or”.

**45.** In section 297D (forfeiture of unauthorised decoders: Scotland), in subsection (15), for the definition of “relevant offence” substitute—

““relevant offence” means—

- (a) an offence under section 297A(1) (criminal liability for making, importing, etc unauthorised decoders),
- (b) an offence under the Trade Descriptions Act 1968,
- (c) an offence under the Business Protection from Misleading Marketing Regulations 2008,
- (d) an offence under the Consumer Protection from Unfair Trading Regulations 2008, or
- (e) any offence involving dishonesty or deception;”.

## **Road Traffic Act 1988**

**46.** In section 80 of the Road Traffic Act 1988(**20**) (approval marks) —

- (a) in subsection (1), omit the words from “, and any markings” to the end;
- (b) in subsection (2), omit the words from “, whether or not” to the end.

## **Water Act 1989**

**47.** In section 174 of the Water Act 1989(**21**) (general restrictions on disclosure of information), in subsection (3)—

(a) after paragraph (lo) insert—

“(lp) any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair

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(20) [1988 c.52](#).

(21) [1989 c.15](#).

business-to-consumer commercial practices in the internal market.”

(b) for paragraph (m) substitute—

“(m) any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.”.

### **Courts and Legal Services Act 1990**

**48.** In section 50 of the Courts and Legal Services Act 1990<sup>(22)</sup> (exceptions from restrictions on disclosure), in subsection (2)(m)—

(a) omit sub-paragraph (viii), and

(b) after sub-paragraph (xi) insert—

“(xii) the Business Protection from Misleading Marketing Regulations 2008;

(xiii) the Consumer Protection from Unfair Trading Regulations 2008;”.

### **Water Industry Act 1991**

**49.** In Schedule 15 to the Water Industry Act 1991<sup>(23)</sup> (enactments etc in respect of which disclosure may be made), in Part 2—

(a) omit the words from “Any subordinate legislation” to the end, and

(b) at the end insert—

“Any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market.

Any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.”.

### **Water Resources Act 1991**

**50.** In Schedule 24 to the Water Resources Act 1991<sup>(24)</sup> (enactments etc in respect of which disclosure may be made), in Part 2—

(a) omit the words “Any subordinate legislation” to the end, and

(b) at the end insert—

“Any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market.

Any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.”.

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<sup>(22)</sup> [1990 c.41](#).

<sup>(23)</sup> [1991 c.56](#).

<sup>(24)</sup> [1991 c.57](#).

**North Yorkshire County Council Act 1991**

**51.** In section 6 of the North Yorkshire County Council Act 1991<sup>(25)</sup> (control of occasional sales), subsections (6) and (7) shall cease to have effect.

**Railways Act 1993**

**52.** In section 145 of the Railways Act 1993<sup>(26)</sup> (general restrictions on disclosure of information), in subsection (3)—

(a) after paragraph (qt) insert—

“(qu) any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market”;

(b) for paragraph (r) substitute—

“(r) any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.”.

**Trade Marks Act 1994**

**53.** The Trade Marks Act 1994<sup>(27)</sup> is amended as follows.

**54.** In section 91 (power of Commissioners for Revenue and Customs to disclose information), for the words from “an offence under” to the end substitute “an offence under—

- “(a) section 92 below (unauthorised use of trade mark, &c in relation to goods),
- (b) the Trade Descriptions Act 1968,
- (c) the Business Protection from Misleading Marketing Regulations 2008, or
- (d) the Consumer Protection from Unfair Trading Regulations 2008.”.

**55.** In section 97 (forfeiture: England and Wales or Northern Ireland), in subsection (8), for the words from “an offence under” to the end substitute—

- “(a) an offence under section 92 above (unauthorised use of trade mark, &c in relation to goods),
- (b) an offence under the Trade Descriptions Act 1968,
- (c) an offence under the Business Protection from Misleading Marketing Regulations 2008,
- (d) an offence under the Consumer Protection from Unfair Trading Regulations 2008, or
- (e) any offence involving dishonesty or deception.”.

**56.** In section 98 (forfeiture: Scotland), in subsection (14), in the definition of “relevant offence”, for the words from “an offence under” to the end substitute—

- “(a) an offence under section 92 above (unauthorised use of trade mark, &c in relation to goods),
- (b) an offence under the Trade Descriptions Act 1968,

<sup>(25)</sup> [1991 c.xiv](#).

<sup>(26)</sup> [1993 c.43](#); section 145 was amended by paragraph 127(1) and (3) of Schedule 17 to the Communications Act [2003 \(c.21\)](#).

<sup>(27)</sup> [1994 c.26](#); section 91 was amended by paragraph 58 of Schedule 4 to the Commissioners for Revenue and Customs Act [2005 \(c.11\)](#).



- (c) an offence under the Business Protection from Misleading Marketing Regulations 2008,
- (d) an offence under the Consumer Protection from Unfair Trading Regulations 2008, or
- (e) any offence involving dishonesty or deception;”.

### **Coal Industry Act 1994**

**57.** In section 59 of the Coal Industry Act 1994<sup>(28)</sup> (information to be kept confidential by the Authority), in subsection (4)—

- (a) omit paragraph (m), and
- (b) after paragraph (p) insert—
  - “(q) any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market;
  - (r) any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.”.

### **London Local Authorities Act 1996**

**58.** Section 16 of the London Local Authorities Act 1996<sup>(29)</sup> (display of names, etc) shall cease to have effect.

### **Greater London Authority Act 1999**

**59.** In section 235 of the Greater London Authority Act 1999<sup>(30)</sup> (restrictions on disclosure of information), in subsection (3)—

- (a) after paragraph (rt) insert—
  - “(ru) any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market;”;
- (b) for paragraph (s) substitute—
  - “(s) any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.”.

### **Postal Services Act 2000**

**60.** In Schedule 7 to the Postal Services Act 2000<sup>(31)</sup> (disclosure of information), in paragraph 3(3)—

- (a) after sub-paragraph (pp) insert—

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<sup>(28)</sup> [1994 c.21](#).

<sup>(29)</sup> [1996 c.ix](#).

<sup>(30)</sup> [1999 c.29](#).

<sup>(31)</sup> [2000 c.26](#); paragraph 3(3) of Schedule 7 was substituted by article 2(4) of [S.I. 2001/3617](#).

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“(ppa) any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market,”

(b) for sub-paragraph (qq) substitute—

“(qq) any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.”

### **Utilities Act 2000**

**61.** In section 105 of the Utilities Act 2000(**32**) (general restrictions on disclosure of information), in subsection (6)—

(a) omit paragraph (k), and

(b) after paragraph (u) insert—

“(v) the Business Protection from Misleading Marketing Regulations 2008;

(w) the Consumer Protection from Unfair Trading Regulations 2008.”.

### **Transport Act 2000**

**62.** In Schedule 9 to the Transport Act 2000(**33**) (air traffic: information), in paragraph 3(3)—

(a) after paragraph (s) insert—

“(sa) any subordinate legislation made for the purpose of securing compliance with Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market;”;

(b) for paragraph (t) substitute—

“(t) any subordinate legislation made for the purpose of securing compliance with Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.”.

### **Criminal Justice and Police Act 2001**

**63.** In section 66 of the Criminal Justice and Police Act 2001(**34**) (general interpretation of Part 2), in subsection (4), after paragraph (p) insert—

“(q) regulation 23 of the Business Protection from Misleading Marketing Regulations 2008 (power of entry and investigation, etc.);

(r) regulation 21 of the Consumer Protection from Unfair Trading Regulations 2008 (power of entry and investigation, etc.).”.

(32) [2000 c.27](#); section 105(6)(u) was inserted by section 59(1) of, and paragraph 16 of Schedule 12 to, the Railways Act [2005 \(c.14\)](#).

(33) [2000 c.38](#).

(34) [2001 c.16](#); section 66(4)(o) was inserted by regulation 47(2) and (3) of [S.I. 2005/1803](#) and section 66(4)(p) was inserted by paragraph 14(2) of Schedule 3 to the Animal Welfare Act [2006 \(c.45\)](#); paragraph 731 of Schedule 1 was inserted by paragraph 14(3) of Schedule 3 to the Animal Welfare Act 2006; paragraphs 4A and 9A of Schedule 2 were inserted by regulation 47(2) and (5) of [S.I. 2005/1803](#).

**64.** In Schedule 1 to that Act, in Part 1 (powers to which section 50 applies), after paragraph 73I insert—

*“Business Protection from Misleading Marketing Regulations 2008*

**73J.** Each of the powers of seizure conferred by the provisions of regulation 23(1)(c) and (d) of the Business Protection from Misleading Marketing Regulations 2008 (seizure of evidence of breach of regulations, etc).

*Consumer Protection from Unfair Trading Regulations 2008*

**73K.** Each of the powers of seizure conferred by the provisions of regulation 21(1)(c) and (d) of the Consumer Protection from Unfair Trading Regulations 2008 (seizure of evidence of breach of regulations, etc).”.

**65.**—(1) In Schedule 2 to that Act, Part 1 (application of enactments) is amended as follows.

(2) After paragraph 4A insert—

**“4B** Regulation 26 of the Business Protection from Misleading Marketing Regulations 2008 (notice of test and intended proceedings) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by regulation 23 of those Regulations as it applies in relation to items seized in pursuance of regulation 23 of those Regulations.

**4C.** Regulation 24 of the Consumer Protection from Unfair Trading Regulations 2008 (notice of test and intended proceedings) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by regulation 21 of those Regulations as it applies in relation to items seized in pursuance of regulation 21 of those Regulations.”.

(3) After paragraph 9A insert—

**“9B** Regulation 27 of the Business Protection from Misleading Marketing Regulations 2008 (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by regulation 23 of those Regulations, and the retention of those items, as it applies in relation to the seizure and detention of goods under regulation 23 of those Regulations.

**9C** Regulation 25 of the Consumer Protection from Unfair Trading Regulations 2008 (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by regulation 21 of those Regulations, and the retention of those items, as it applies in relation to the seizure and detention of goods under regulation 21 of those Regulations.”.

**Kent County Council Act 2001**

**66.** Section 13 of the Kent County Council Act 2001<sup>(35)</sup> (display of name and address) shall cease to have effect.

**Medway Council Act 2001**

**67.** Section 13 of the Medway Council Act 2001<sup>(36)</sup> (display of name and address) shall cease to have effect.

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<sup>(35)</sup> 2001 c.iii.

<sup>(36)</sup> 2001 c.iv.

**Enterprise Act 2002**

68. The Enterprise Act 2002(37) is amended as follows.

69. Section 10(2) (saving of section 22 of the Fair Trading Act 1973 and orders made under it) shall cease to have effect (and accordingly the provisions of the Fair Trading Act 1973 referred to in Schedule 4 are repealed to the extent specified there, subject to any provision of that Schedule).

70. In Schedule 13 (listed Directives and Regulations)—

- (a) omit paragraph 1 (Council Directive [84/450/EEC](#) concerning misleading advertising);
- (b) omit paragraph 7A (Directive [97/55/EC](#) of the European Parliament and of the Council amending Directive [84/450/EEC](#));
- (c) in paragraph 11, for “Articles 83 to 100” substitute “Articles 86 to 100”.

**Licensing Act 2003**

71. In Schedule 4 to the Licensing Act 2003(38) (personal licence: relevant offences), at the end insert—

“22. An offence under regulation 6 of the Business Protection from Misleading Marketing Regulations 2008 (offence of misleading advertising) in circumstances where the advertising in question relates to alcohol or to goods that include alcohol.

23. An offence under regulation 8, 9, 10, 11 or 12 of the Consumer Protection from Unfair Trading Regulations 2008 (offences relating to unfair commercial practices) in circumstances where the commercial practice in question is directly connected with the promotion, sale or supply of alcohol or of a product that includes alcohol.”.

**Communications Act 2003**

72. In section 393 of the Communications Act 2003(39) (general restrictions on disclosure of information), in subsection (5), for paragraph (p) substitute—

- “(p) the Business Protection from Misleading Marketing Regulations 2008;
- (q) the Consumer Protection from Unfair Trading Regulations 2008.”.

**Nottingham City Council Act 2003**

73. Section 12 of the Nottingham City Council Act 2003(40) (display of name and address) shall cease to have effect.

**Wireless Telegraphy Act 2006**

74. In section 111 of the Wireless Telegraphy Act 2006(41) (disclosure of information), in subsection (6), for paragraph (n) substitute—

- “(n) the Business Protection from Misleading Marketing Regulations 2008;
- (o) the Consumer Protection from Unfair Trading Regulations 2008.”.

(37) [2002 c.40](#); paragraph 7A was inserted by regulation 22(2)(b) of [S.I. 2006/3363](#) and paragraph 11 was substituted by paragraph 19 of the Schedule to [S.I. 2005/2759](#).

(38) [2003 c.17](#).

(39) [2003 c.21](#).

(40) [2003 c.ii](#).

(41) [2006 c.36](#).

## **Companies Act 2006**

**75.** In Part 2 of Schedule 2 to the Companies Act 2006<sup>(42)</sup> (specified descriptions of disclosures), in paragraph 34—

(a) omit paragraph (h);

(b) after paragraph (i) insert—

“(j) the Business Protection from Misleading Marketing Regulations 2008;

(k) the Consumer Protection from Unfair Trading Regulations 2008.”.

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<sup>(42)</sup> 2006 c.46.