

## SCHEDULE 3

Regulation 30(2)

### Transitional and Saving Provisions

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

**1.** Notwithstanding the repeal by these Regulations of section 5 of the Trade Descriptions Act 1968—

- (a) section 5(3) shall continue to apply for the purposes of section 1(8) of the Hallmarking Act 1973(1) as it applied before that repeal, and
- (b) section 5 shall continue to apply for the purposes of regulation 8(1) of the Crystal Glass (Descriptions) Regulations 1973(2) as it applied before that repeal.

**2.** The repeal of section 19(4)(b) and (c) of the Trade Descriptions Act 1968 shall not have effect in relation to the references to section 19 in—

- (a) regulation 8(2) of the Crystal Glass (Descriptions) Regulations 1973;
- (b) regulation 11(1) of the Textile Products (Indications of Fibre Content) Regulations 1986(3);
- (c) regulation 4(1) of the Electro-medical Equipment (EEC Requirements) Regulations 1988(4); and
- (d) regulation 10(1) of the Footwear (Indication of Composition) Labelling Regulations 1995(5).

**3.** The repeal of section 24(3) of the Trade Descriptions Act 1968 shall not have effect in relation to the references to section 24 in—

- (a) regulation 8(2) of the Crystal Glass (Descriptions) Regulations 1973;
- (b) regulation 11(1) of the Textile Products (Indications of Fibre Content) Regulations 1986;
- (c) regulation 4(1) of the Electro-medical Equipment (EEC Requirements) Regulations 1988; and
- (d) regulation 10(1) of the Footwear (Indication of Composition) Labelling Regulations 1995.

**4.** Notwithstanding the repeal by these Regulations of section 39(2) of the Trade Descriptions Act 1968, that subsection shall continue to apply for the purposes of section 1 of the Hallmarking Act 1973 as it applied before that repeal.

#### **Application of the Consumer Protection Act 1987 to the Price Indications (Bureaux de Change) (No. 2) Regulations 1992**

**5.—(1)** Despite the repeal by these Regulations of section 26 of the Consumer Protection Act 1987, the Price Indications (Bureaux de Change) (No. 2) Regulations 1992(6) shall continue in force, and that section shall continue to have effect as it had effect immediately before the coming into force of these Regulations for the purposes of amending or revoking those Regulations.

(2) Where these Regulations repeal a provision of the Consumer Protection Act 1987 that, immediately before the coming into force of these Regulations, was applied by the Price Indications (Bureaux de Change) (No. 2) Regulations 1992 to an offence under those Regulations, that provision

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(1) 1973 c.43.  
(2) S.I. 1973/1952.  
(3) S.I. 1986/26.  
(4) S.I. 1988/1586.  
(5) S.I. 1995/2489.  
(6) S.I. 1992/737.

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

shall continue to apply to that offence as it applied immediately before the coming into force of these Regulations, notwithstanding that repeal.

6. Notwithstanding the repeals and amendments made by these Regulations to the provisions of Parts 4 and 5 of the Consumer Protection Act 1987 those provisions shall continue to apply in relation to the Price Indications (Bureaux de Change) (No. 2) Regulations 1992 as they applied before the coming into force of these Regulations.

#### **Application of the Consumer Protection (Northern Ireland) Order 1987 to the Price Indications (Bureaux de Change) Regulations (Northern Ireland) 1992**

7.—(1) Despite the repeal by these Regulations of Article 19 of the Consumer Protection (Northern Ireland) Order 1987(7), the Price Indications (Bureaux de Change) Regulations (Northern Ireland) 1992(8) shall continue in force, and that Article shall continue to have effect as it had effect immediately before the coming into force of these Regulations for the purpose of amending or revoking those Regulations.

(2) Where these Regulations repeal a provision of the Consumer Protection (Northern Ireland) Order 1987 that, immediately before the coming into force of these Regulations, was applied by the Price Indications (Bureaux de Change) Regulations (Northern Ireland) 1992 to an offence under that Order, that provision shall continue to apply to that offence as it applied immediately before the coming into force of these Regulations, notwithstanding that repeal.

8. Notwithstanding the repeals and amendments made by these Regulations to the provisions of Parts IV and V of the Consumer Protection (Northern Ireland) Order 1987 those provisions shall continue to apply in relation to the Price Indications (Bureaux de Change) Regulations (Northern Ireland) 1992 as they applied before the coming into force of these Regulations.

#### **Enterprise Act 2002 (Part 8 Notice to OFT of Intended Prosecution, Specified Enactments, Revocation and Transitional Provision) Order 2003**

9.—(1) This paragraph applies to offences under the following provisions—

- (a) Part 3 of the Consumer Protection Act 1987(9);
- (b) section 23 of the Fair Trading Act 1973(10);
- (c) the Mock Auctions Act 1961;
- (d) section 29 of the Weights and Measures Act 1985(11).

(2) Notwithstanding the omission of the references to these provisions in the Enterprise Act 2002 (Part 8 Notice to OFT of Intended Prosecution, Specified Enactments, Revocation and Transitional Provision) Order 2003(12) by these Regulations section 230 of the Enterprise Act 2002 shall continue to apply in relation to an intention by a local weights and measures authority in England and Wales to start proceedings for an offence to which paragraph (1) applies.

10. Notwithstanding the amendments made by these Regulations to the Enterprise Act 2002 (Part 8 Notice to OFT of Intended Prosecution, Specified Enactments, Revocation and Transitional Provision) Order 2003 that Order shall continue to apply in relation to the Price Indications (Bureaux de Change) (No. 2) Regulations 1992 as it applied before the coming into force of these Regulations.

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(7) S.I. 1987/2049 (N.I. 20).

(8) S.R. (NI) 1992 No 272.

(9) 1987 c.43.

(10) 1973 c.41.

(11) 1985 c.72.

(12) S.I. 2003/1376.

### **Enterprise Act 2002 (Part 8 Domestic Infringements) Order 2003**

**11.**—(1) This paragraph applies to an act or omission which immediately before the date on which these Regulations come into force is a domestic infringement under section 211 of the Enterprise Act 2002 in respect of the provisions of—

- (a) the Business Advertisements (Disclosure) Order 1977(**13**);
- (b) Part 3 of the Consumer Protection Act 1987(**14**);
- (c) Part III of the Consumer Protection (Northern Ireland) Order 1987;
- (d) the Consumer Transactions (Restrictions on Statements) Order 1976(**15**);
- (e) the Control of Misleading Advertisements Regulations 1988(**16**);
- (f) the Mock Auctions Act 1961(**17**);
- (g) section 29 of the Weights and Measures Act 1985(**18**);
- (h) Article 22(2) of the Weights and Measures (Northern Ireland) Order 1981(**19**).

(2) Notwithstanding the omission of the references to these provisions in the Enterprise Act 2002 (Part 8 Domestic Infringements) Order 2003(**20**) by these Regulations an act or omission to which paragraph (1) applies shall continue to be a domestic infringement.

**12.** Notwithstanding the amendments made by these Regulations to the Enterprise Act 2002 (Part 8 Domestic Infringements) Order 2003 that Order shall continue to apply in relation to the Price Indications (Bureaux de Change) (No. 2) Regulations 1992(**21**) as it applied before the coming into force of these Regulations.

### **Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003**

**13.**—(1) This paragraph applies to an act or omission which immediately before the date on which these Regulations come into force is a Community infringement under section 212 of the Enterprise Act 2002(**22**) by contravening the provisions of—

- (a) Council Directive [84/450/EEC](#) of 10 September 1984 relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising(**23**);
- (b) the Control of Misleading Advertisements Regulations 1988 except regulation 4A (comparative advertisements); or
- (c) regulation 4 or 5 of the Consumer Transactions (Restrictions on Statements) Order 1976(**24**).

(2) Notwithstanding the omission of the references to these provisions in the Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003 by these Regulations an act or omission to which paragraph (1) applies shall continue to be a Community infringement.

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(13) S.I. 1977/1918.

(14) 1987 c.43.

(15) S.I. 1976/1813.

(16) S.I.1988/915 amended by [SI 2000/914](#), [2003/1400](#) and [2003/3183](#); there are other amending instruments but none is relevant.

(17) 1961 c.47.

(18) 1985 c.72.

(19) S.I. 1981/231 (N.I. 10).

(20) S.I.2003/1593.

(21) S.I. 1992/737.

(22) 2002 c.40.

(23) OJ No L250, 19.9.84, p17.

(24) S.I. 1976/1813.

### **Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2006**

14.—(1) This paragraph applies to an act or omission which immediately before the date on which these Regulations come into force is a Community infringement under section 212 of the Enterprise Act 2002 by contravening the provisions of—

- (a) Directive [97/55/EC](#) of the European Parliament and of the Council of 6 October 1997 amending Directive [84/450/EEC](#) concerning misleading advertising so as to include comparative advertising<sup>(25)</sup>; or
- (b) regulation 4A of the Control of Misleading Advertisements Regulations 1988.

(2) Notwithstanding the omission of the reference to these provisions in the Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2006<sup>(26)</sup> by these Regulations an act or omission to which paragraph (1) applies shall continue to be a Community infringement.

### **Disclosure of information**

15.—(1) This paragraph applies in relation to information which immediately before the date on which these Regulations come into force was subject to the provisions of any enactment which permitted the disclosure of information for the purposes of any function under, or proceedings brought under or by virtue of—

- (a) the Control of Misleading Advertisements Regulations 1988; or
- (b) Part 2 of the Fair Trading Act 1973.

(2) Notwithstanding the repeal of such provisions by these Regulations such disclosure shall continue to be permitted.

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<sup>(25)</sup> OJ No L290, 23.10.1997, p18.

<sup>(26)</sup> [S.I. 2006/3372](#).