

SCHEDULE 6

Regulation 36(3)

Consequential Amendments

Local Government Finance Act 1988

1.—(1) The Local Government Finance Act 1988(1) is amended as follows.

(2) In section 66 (domestic property), in subsection (2E), for the words from “timeshare accommodation” to the end substitute “overnight accommodation which is the subject of a timeshare contract within the meaning of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.”.

Criminal Justice and Police Act 2001

2.—(1) The Criminal Justice and Police Act 2001(2) is amended as follows.

(2) In section 65 (meaning of “legal privilege”)—

(a) in subsection (6)—

(i) for “sub-paragraph (2) of paragraph 3 of Schedule 2 to the Timeshare Act 1992” substitute “regulation 32(3) of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010”;

(ii) for “sub-paragraph (4) of that paragraph” substitute “regulation 32(8) of those Regulations”;

(b) for subsection (9)(c) substitute—

“(c) regulation 32(3) of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.”.

(3) In section 66 (general interpretation of Part 2)(3)—

(a) omit subsection (4)(m);

(b) after subsection (4)(r) insert—

“(s) regulation 32 of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 (powers of officers of enforcement authorities).”.

(4) In Part 1 of Schedule 1 (powers to which section 50 applies)(4)—

(a) omit paragraph 56;

(b) after paragraph 73M insert—

“Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010

73N. The power of seizure conferred by regulation 32(3) of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 (powers of officers of enforcement authorities).”.

Enterprise Act 2002

3.—(1) The Enterprise Act 2002(5) is amended as follows.

(2) In Part 1 of Schedule 13 (listed Directives and Regulations)—

(1) 1988 c.41; section 66 was amended by S.I. 1993/542, article 2(b).

(2) 2001 c.16.

(3) Section 66(4) was amended by S.I. 2008/1277, Schedule 2, paragraph 63.

(4) Schedule 1 was amended by the Cluster Munitions (Prohibitions) Act 2010, Schedule 3, paragraph 1.

(5) 2002 c.40; Schedule 13 was amended by S.I. 2010/1010, regulation 46(b).

Status: This is the original version (as it was originally made).

- (a) omit paragraph 6 (Directive [94/47/EC](#) concerning timeshare contracts);
- (b) after paragraph 9D insert—

“**9E** Directive [2008/122/EC](#) of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts.”

- (3) In Schedule 14 (specified functions) omit “Timeshare Act 1992.”.
- (4) In Schedule 15 (enactments conferring functions) omit “Timeshare Act 1992.”.

Regulatory Enforcement and Sanctions Act 2008

- 4.—(1) The Regulatory Enforcement and Sanctions Act 2008(6) is amended as follows.
- (2) In Schedule 3 (enactments specified for the purposes of Part 1) omit “Timeshare Act 1992”.
- (3) In Schedule 6 (enactments specified for the purposes of orders under Part 3) omit “Timeshare Act 1992”.

Consumer Credit (Agreements) Regulations 1983

- 5.—(1) The Consumer Credit (Agreements) Regulations 1983(7) are amended as follows.
- (2) For paragraph 23 in Schedule 1 substitute—

“23. Agreements that cannot be cancelled by the debtor under the Act, the Financial Services (Distance Marketing) Regulations 2004 or the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.	(3) A statement that the debtor has no right to cancel the agreement under the Consumer Credit Act 1974, the Financial Services (Distance Marketing) Regulations 2004 or the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.”
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Consumer Protection (Distance Selling) Regulations 2000

- 6.—(1) In the Consumer Protection (Distance Selling) Regulations 2000(8), in regulation 6 (contracts to which only part of these Regulations apply), for paragraph (1), substitute—
- “6.—(1) Regulations 7 to 20 shall not apply to a contract which is a regulated contract within the meaning of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.”.

Financial Services and Markets Act 2000 (Regulated Activities) Order 2001

- 7.—(1) The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(9) is amended as follows.
 - (2) In article 61 (regulated mortgage contracts), for paragraph (4)(d), substitute—
- “(d) “timeshare accommodation” means overnight accommodation which is the subject of a timeshare contract within the meaning of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.”.
- (3) In article 63J (entering into and administering regulated sale and rent back agreements) for paragraph (4)(b) substitute—

(6) [2008 c.13](#).
 (7) [S.I. 1983/1553](#), amended by [S.I.2004/1482](#); there are other amending instruments but none is relevant to these Regulations.
 (8) [S.I. 2000/2334](#), to which there are amendments not relevant to these Regulations.
 (9) [S.I. 2001/544](#); relevant amending instruments are [SI 2001/3544](#), [SI 2006/2383](#) and [SI 2009/1342](#).

- “(b) “timeshare accommodation” means overnight accommodation which is the subject of a timeshare contract within the meaning of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010; and”.

Financial Services and Markets Act 2000 (Collective Investment Schemes) Order 2001

8.—(1) The Financial Services and Markets Act 2000 (Collective Investment Schemes) Order 2001(**10**) is amended as follows.

(2) In article 2 (interpretation)—

(a) after the definition of “individual pension account” insert—

““long-term holiday product contract” has the meaning given by regulation 8 of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010;”;
and

(b) for the definition of “timeshare rights” substitute—

““timeshare contract” has the meaning given by regulation 7 of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.”.

(3) In the Schedule (arrangements not amounting to a collective investment scheme), for paragraph 13 substitute—

“13. Timeshare and long-term holiday product schemes

Arrangements do not amount to a collective investment scheme if the rights or interests of the participants are rights under a timeshare contract or a long-term holiday product contract.”.

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

9. In the Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003(**11**), in the Schedule (listed Directives),—

(a) omit the entry for Directive [94/47/EC](#) of the European Parliament and of the Council of 26 October 1994 on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a timeshare basis(**12**);

(b) after the entry for Directive [2008/48/EC](#) insert—

“Directive 2008/122/EC of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts	Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010”
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Enterprise Act 2002 (Part 8 Notice to OFT of Intended Prosecution, Specified Enactments, Revocation and Transitional Provision) Order 2003

10. In the Enterprise Act 2002 (Part 8 Notice to OFT of Intended Prosecution, Specified Enactments, Revocation and Transitional Provision) Order 2003(**13**), in the Schedule, for the entry for the Timeshare Act 1992, substitute—

(10) [S.I. 2001/1062](#), to which there are amendments not relevant to these Regulations.

(11) [S.I. 2003/1374](#), amended by [S.I. 2010/1010](#); there are other amending instruments but none is relevant.

(12) O.J. L 280, 29.10.1994, p. 83.

(13) [S.I. 2003/1376](#), to which there are amendments not relevant to these Regulations.

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

“Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010	All offences under those Regulations”
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Enterprise Act 2002 (Part 8 Domestic Infringements) Order 2003

11. In the Enterprise Act 2002 (Part 8 Domestic Infringements) Order 2003(**14**), in the Schedule (specified acts or omissions), omit the entry for the Timeshare Act 1992.

Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003

12.—(1) The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003(**15**) is amended as follows.

(2) In Schedule 3 after the entry for the Business Protection from Misleading Marketing Regulations 2008 insert “Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.”.

(3) In Schedule 4 after the entry for the Business Protection from Misleading Marketing Regulations 2008 insert “Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.”.

Financial Services (Distance Marketing) Regulations 2004

13. In the Financial Services (Distance Marketing) Regulations 2004(**16**), in regulation 11 (exemptions to the right to cancel), for paragraph (1)(f) substitute—

“(f) a credit agreement cancelled under regulation 23 of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 (automatic termination of credit agreement);”.

Legislative and Regulatory Reform (Regulatory Functions) Order 2007

14. In the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(**17**), in the Schedule, in Part 3 under the heading “Consumer and business protection”—

(a) omit “Timeshare Act 1992”;

(b) after the entry for Cosmetic Products (Safety) Regulations 2008, insert—

“Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010”.

Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009

15.—(1) In the Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009(**18**), in Schedule 1 in Part 1, omit “Timeshare Act 1992”.

(14) [S.I. 2003/1593](#), to which there are amendments not relevant to these Regulations.

(15) [S.I. 2003/1400](#), as amended by [SI 2008/1277](#); there are other amending instruments but none is relevant.

(16) [S.I. 2004/2095](#) to which there are amendments not relevant to these Regulations.

(17) [S.I. 2007/3544](#), amended by [SI 2008/1284](#); there are other amending instruments but none is relevant.

(18) [S.I. 2009/669](#).