STATUTORY INSTRUMENTS

2015 No. 1630 (C. 94)

CONSUMER PROTECTION

The Consumer Rights Act 2015 (Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments) Order 2015

Made - - - -	*27th August 2015*
Laid before Parliament	*28th August 2015*
Coming into force - -	*1st October 2015*

The Secretary of State, in exercise of the powers conferred by sections 96(1) and (2), 97(1) and 100(5) and (6) of the Consumer Rights Act 2015(**1**), makes the following Order.

Citation and commencement

1. This Order may be cited as the Consumer Rights Act 2015 (Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments) Order 2015 and comes into force on 1st October 2015.

Interpretation

2. In this Order—

"the 2004 Regulation" means Regulation (EC) No 261/2004 of the European Parliament and of the Council(**2**) establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (**3**);

"the 2010 Regulation" means Regulation (EU) No 1177/2010 of the European Parliament and of the Council(**4**) concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation

(**1**) 2015 c.15

(**2**) OJ No L 046, 17.02.2004, p1.
(**3**) OJ No L 036, 08.02.1991, p5.
(**4**) OJ No L 334, 17.12.2010, p1.

(EC) No 2006/2004
(**5**);

"the Act" means the Consumer Rights Act 2015;

"the Carriage by Air Conventions" are—

(a) the Warsaw Convention;

(b) the Warsaw Convention, as amended at the Hague, 1955;

(c) the Warsaw Convention, as amended by Additional Protocol No.1 of Montreal, 1975;

(d) the Warsaw Convention, as amended at the Hague, 1955, and by Additional Protocol No.2 of Montreal, 1975;

(e) the Warsaw Convention, as amended at the Hague, 1955, and by Protocol No. 4 of Montreal, 1975;

(f) the Convention supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person other than the Contracting Carrier, signed at Guadalajara, 18th September 1961; and

(g) the Convention for the Unification of Certain Rules for International Carriage by Air, signed at Montreal 28th May 1999;

"consumer transport service" means—

(a) a rail passenger service;

(b) carriage by air to which the 2004 Regulation or the Carriage by Air Conventions or enactments giving effect to the provisions of those Conventions apply; and

(c) sea and inland waterway transport to which the 2010 Regulation applies;

"rail passenger service" means any rail passenger service supplied by any undertaking other than those specified in paragraphs (a) and (b) of article 2(2) of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast)(**6**);

"the Warsaw Convention" means the Convention for the Unification of Certain Rules Relating to the International Carriage by Air, signed at Warsaw 12th October 1929.

Provisions coming into force on 1st October 2015

3. The following provisions of the Act come into force on 1st October 2015, subject to article 4 and the transitional provisions and savings in articles 6 to 8—

(a) sections 1 to 47;

(b) section 48(1) to (4) (contracts covered by this Chapter);

(c) sections 49 to 76;

(d) section 77 (investigatory powers etc.) to the extent not already in force;

(e) sections 78 to 80;

(f) section 81 (private actions in competition law) to the extent not already in force;

(g) Schedules 1 to 4;

(h) Schedule 5 (investigatory powers etc.) to the extent not already in force;

(i) Schedules 6 and 7; and

(j) Schedule 8 (private actions in competition law) to the extent not already in force.

(**5**) OJ No L 364, 09.12.2004, p1.
(**6**) OJ No L 343, 14.12.2012, p32.

Provisions coming into force on 6th April 2016

4. For the purpose of a contract to supply a consumer transport service the following provisions of the Act come into force on 6th April 2016, subject to the transitional provisions and savings in article 6—

(a) section 48(1) to (4) (contracts covered by this Chapter);

(b) sections 49 to 59; and

(c) paragraphs 2 to 6, 10 to 17 and 21 to 27 of Schedule 4.

Consequential amendments

5. The consequential amendments in Schedules 1 and 2 have effect.

Transitional and saving provisions in respect of Parts 1 and 2 of the Act

6.—(1) The provisions brought into force by sub-paragraphs (a) to (c) and (g) of article 3 of this Order do not apply to—

(a) any contract entered into before 1st October 2015 which would, apart from these provisions, be covered by Parts 1 or 2 of the Act; and

(b) any notice provided or communicated before 1st October 2015 which would, apart from these provisions, constitute a consumer notice and be covered by Part 2 of the Act;

(2) The provisions brought into force by article 4 of this Order do not apply to any contract to supply a consumer transport service entered into before 6th April 2016.

(3) The amendments to the law enacted by the Sale and Supply of Goods to Consumers Regulations 2002(**7**) continue to have effect in relation to any contract specified in paragraph (1)(a) despite the revocation of those Regulations by paragraph 53 of Schedule 1 to the Act.

(4) The Unfair Terms in Consumer Contracts Regulations 1999(**8**) continue to have effect in relation to any contract or notice relating to any contract specified in paragraph (1)(a) provided or communicated before 1st October 2015 despite the revocation of those Regulations by paragraph 34 of Schedule 4 to the Act.

(5) The amendments made to the enactments specified in Schedule 1 to this Order do not apply to any contract or notice to which the transitional provisions of this article apply.

Transitional provision in respect of premium rate services

7. The amendments made by section 80 of the Act do not apply in respect of a contravention of a code approved under section 121 of the Communications Act 2003(**9**), directions given in accordance

(**7**) S.I. 2002/3045
.

(**8**) S.I 1999/2083
, amended by
S.I. 2001/1186
,
2001/3649
,
2004/2095
,
2013/472
,
2013/783
and
2014/549
.

(**9**) 2003 c.21

with such a code or an order made under section 122 of the Communications Act 2003 where that contravention occurs or begins before the commencement of section 80.

Transitional and saving provisions in respect of investigatory powers

8.—(1) This article applies where—

(a) a provision ("the old provision") is repealed by Schedule 6 to the Act or revoked by Schedule 2 to this Order, and

(b) a provision of Schedule 5 to the Act (investigatory powers etc.) ("the new provision") re-enacts, with or without modification, the old provision.

(2) The repeal or revocation mentioned in paragraph (1)(a) and the re-enactment mentioned in paragraph (1)(b) do not affect the continuity of the law.

(3) Paragraph (2) does not apply to any change in the law made by Schedule 5 to the Act.

(4) A reference, express or implied, in an enactment, instrument or document to the new provision is, subject to its context, to be read as being or including a reference to the old provision, in relation to times, circumstances or purposes in relation to which the old provision had effect.

(5) A reference, express or implied, in any enactment, instrument or document to the old provision is, subject to its context, to be read as being or including a reference to the new provision, in relation to times, circumstances or purposes in relation to which the new provision has effect.

(6) Anything done, or having effect as if done, under (or for the purposes of or in reliance on) the old provision, and in force or effective immediately before 1st October 2015, has effect on and after 1st October 2015 as if done under (or for the purposes of or in reliance on) the new provision.

(7) Paragraphs (2) to (6) have effect in place of section 17(2) of the Interpretation Act 1978; but nothing in this Order affects any other provision of that Act.

(8) For the purposes of enforcing the Pyrotechnic Articles (Safety) Regulations 2015(**10**), the Consumer Protection Act 1987(**11**) continues to apply as if Schedule 6 to the Act were not in force.

Nick Boles
Minister of State for Skills
27th August 2015 Department for Business, Innovation and Skills

(**10**) S.I. 2015/1553

(**11**) 1987 c.43
; sections 27 to 30 and 33 to 34 were amended by the Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277
), Schedule 4(1), paragraph 1.

SCHEDULE 1 Article 5

Amendments consequential to the commencement of Parts 1 and 2 and Chapter 5 of Part 3 of the Consumer Rights Act 2015

Sale of Optical Appliances Order of Council 1984

1. In article 3(1) of the Sale of Optical Appliances Order of Council 1984(**12**) (conditions subject to which a sale is exempt), for paragraph (b) substitute—

"(b) any conditions or other terms—

(i) implied in relation to the sale by section 14 of the Sale of Goods Act 1979 (quality and fitness) or treated as included by sections 9 or 10 of the Consumer Rights Act 2015 (goods to be of satisfactory quality, fit for particular purpose), or

(ii) implied in relation to any services associated with the sale by section 13 of the Supply of Goods and Services Act 1982 (care and skill) or treated as included by section 49 of the Consumer Rights Act 2015 (service to be performed with reasonable care and skill)

are not negatived or varied (whether by express agreement or otherwise);".

Legislative and Regulatory Reform (Regulatory Functions) Order 2007

2. In the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(**13**) (functions to which sections 21 and 22 of the Legislative and Regulatory Reform Act 2006 apply)—

(a) in Part 3, under the heading "Consumer and business protection"—

(i) omit "Unfair Terms in Consumer Contracts Regulation 1999" and "Sale and Supply of Goods to Consumers Regulations 2002"; and

(ii) insert at the appropriate place "Parts 1 and 2 and Chapter 5 of Part 3 of the Consumer Rights Act 2015";

(b) in Part 6—

(i) omit "Unfair Terms in Consumer Contracts Regulations 1999" and "Sale and Supply of Goods to Consumers Regulations 2002"; and

(ii) insert in the appropriate place "Parts 1 and 2 and Chapter 5 of Part 3 of the Consumer Rights Act 2015".

Consumer Protection from Unfair Trading Regulations 2008

3. In regulation 5(7) of the Consumer Protection from Unfair Trading Regulations 2008(**14**) (misleading actions), for "Part 5A of the Sale of Goods Act 1979 or Part 1B of the Supply of Goods and Services Act 1982" substitute "sections 19 and 23 or 24 of the Consumer Rights Act 2015".

(**12**) S.I. 1984/1778
, amended by
S.I. 2005/848
; there are other amending instruments but none is relevant.
(**13**) S.I. 2007/3544
, to which there are amendments not relevant to this Order.
(**14**) S.I. 2008/1277
, to which there are amendments not relevant to this Order.