



STATUTORY INSTRUMENTS.

S.I. No. 336 of 2014



EUROPEAN COMMUNITIES (UNFAIR TERMS IN CONSUMER
CONTRACTS) (AMENDMENT) REGULATIONS 2014

EUROPEAN COMMUNITIES (UNFAIR TERMS IN CONSUMER CONTRACTS) (AMENDMENT) REGULATIONS 2014

I, RICHARD BRUTON, Minister for Jobs, Enterprise and Innovation, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Council Directive No. 93/13/EEC of the European Parliament and of the Council of 5 April 1993 on unfair terms in consumer contracts¹, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Unfair Terms in Consumer Contracts) (Amendment) Regulations 2014.

2. The European Communities (Unfair Terms in Consumer Contracts) Regulations 1995 (S.I. No. 27 of 1995) are amended—

(a) in Regulation 2, by the substitution of the following definition for the definition of “authorised body” (inserted by Regulation 3 of the European Communities (Unfair Terms in Consumer Contracts) (Amendment) Regulations 2013 (S.I. No. 160 of 2013)):

“ ‘authorised body’ means the Agency, the Central Bank of Ireland, the Commission for Communications Regulation or a consumer organisation,”, and

(b) by the insertion of the following Regulation after Regulation 10:

“10A A person appointed as an authorised officer under section 39 of the Communications Regulation Act 2002 (No. 20 of 2002) shall be an authorised officer for the purposes of these Regulations and shall, for the purposes of these Regulations, be subject to and have all the powers of an authorised officer appointed under that section.”.

3. Section 10 (amended by Regulation 34 of the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013 (S.I. No. 484 of 2013)) of the Communications Regulation Act 2002 (No. 20 of 2002) is amended—

(a) in subsection (1), by the insertion of the following paragraph after paragraph (ab):

“(ac) to ensure compliance by undertakings and premium rate service providers with the European Communities

¹OJ No. L. 95, 21.4.1993, p.29

(Unfair Terms in Consumer Contracts) Regulations 1995 (S.I. No. 27 of 1995),”, and

(b) by the substitution of the following subsection for subsection (1B):

“(1B) The functions of the Agency referred to in subsection (1A) are the functions of the Agency under:

(a) section 67, section 71, section 73, sections 75 to 77, section 80, sections 83 to 87 and section 90 of the Consumer Protection Act 2007 in relation to the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013 (S. I. No 484 of 2013), and

(b) sections 73 and 86 of the Consumer Protection Act 2007 in relation to the European Communities (Unfair Terms in Consumer Contracts) Regulations 1995.”.



GIVEN under my Official Seal,
17 July 2014.

RICHARD BRUTON,
Minister for Jobs, Enterprise and Innovation.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations give further effect to Directive 93/13/EEC on Unfair Terms in Consumer Contracts. The Regulations make the Commission for Communications Regulation an “authorised body” for the purposes of the European Communities (Unfair Terms in Consumer Contracts) Regulations, 1995 (S.I. No. 27 of 1995) which transpose the Directive. As an “authorised body”, the Commission may apply to the Circuit Court or the High Court for a declaration or an injunction for the purposes of enforcing the Regulations.

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