



EUROPEAN UNION AND TRADE ACT 2019 (DEFICIENCIES) (OFT) REGULATIONS 2019

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Statutory Document No. 2019/0038



European Union and Trade Act 2019

EUROPEAN UNION AND TRADE ACT 2019 (DEFICIENCIES) (OFT) REGULATIONS 2019

*Approved by Tynwald: 20 February 2019
Coming into Operation in accordance with Regulation 2*

The Council of Ministers makes the following Regulations under section 12 of the European Union and Trade Act 2019.

1 Title

These Regulations are the European Union and Trade Act 2019 (Deficiencies) (OFT) Regulations 2019.

2 Commencement

If approved by Tynwald, these Regulations come into operation on exit day¹.

3 Consumer Protection Act 1991 amended

- (1) The Consumer Protection Act 1991 is amended as follows.
- (2) In sections 3(1)(a) (defences), for “EU obligation” substitute **“a retained EU obligation”**.
- (3) In section 8(3)(a) (the general safety requirement), for “EU obligation” substitute **“a retained EU obligation”**.
- (4) In section 34(2)(b) (restrictions on disclosure of information), for “an EU obligation” substitute **“a retained EU obligation”**.
- (5) In section 52(3) (no contracting-out), in the definition of “the Manx Courts”, omit paragraph (c).

4 Fair Trading Act 1996 amended

- (1) The Fair Trading Act 1996 is amended as follows.
- (2) For section 25(2)(b) (general restrictions on disclosure of information), substitute –

¹ Tynwald approval required under section 12 of the European Union and Trade Act 2019.

63(b) in pursuance of a retained EU obligation; or 62.

5 Weights and Measures Act 1989 amended

- (1) The Weights and Measures Act 1989 is amended as follows.
- (2) In section 46 (special provision for certain packages) —
 - (a) for subsection (3) substitute —
 - 63(3) For the purposes of this Part a person who brings a package marked with the EEC mark into the Island does not import the package if that person shows that —
 - (a) the package is from the United Kingdom, where it was liable to be subject to a reference test conducted in accordance with Schedule 2 to the Weights and Measures (Packaged Goods) Regulations 2006² (of Parliament) and, except in such cases as are determined by or under regulations, has not since leaving the United Kingdom been anywhere other than the Island; or
 - (b) provided the package was imported, within the period of 18 months beginning with exit day, from a member State of the European Union in which it was liable to be tested under a law corresponding to section 40(1) and, except in such cases as are determined by or under regulations, has not since leaving that state been in a country other than the United Kingdom or a member State. 62.
 - (c) in paragraph 4(b), after “to a place in” insert 63 the United Kingdom or 62.
- (3) For the heading of section 63 (application of legislation under EU treaties), substitute —

63 Application of UK retained EU law 62
- (4) In section 63, for “and made for the purpose of implementing any obligation of the Government of the United Kingdom under the EU Treaties”, substitute 63 and which is retained EU law within the meaning of the European Union (Withdrawal) Act 2018 (of Parliament) 62.
- (5) In section 68 (general interpretation), the definition of “the EU Treaties” is omitted.

6 Construction

To avoid doubt, any retained EU law is to be construed and have effect subject to these Regulations.

² SI 2006 No. 659.

MADE 1 FEBURARY 2019

W GREENHOW
Chief Secretary

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations amend the following Acts to address deficiencies arising from the United Kingdom's withdrawal from the European Union —

- the Consumer Protection Act 1991;
- the Fair Trading Act 1996; and
- the Weights and Measures Act 1989.