

S.I. No. 307/2000: European Communities (Unfair Terms in Consumer Contracts) (Amendment) Regulations, 2000

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I, Mary Harney, Minister for Enterprise, Trade and Employment, 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 5 April 1993 on unfair terms in consumer contracts ⁽¹⁾ hereby make the following Regulations:

1. (1) These Regulations may be cited as the European Communities (Unfair Terms in Consumer Contracts) (Amendment) Regulations, 2000.

(2) The Principal Regulations and these Regulations may be cited together as the European Communities (Unfair Terms in Consumer Contracts) Regulations, 1995 and 2000.

(3) These Regulations shall apply to contracts concluded after 2 October, 2000.

2. In these Regulations "Principal Regulations" means the European Communities (Unfair Terms in Consumer Contracts) Regulations, 1995 (S.I. No. 27 of 1995).

3. Regulation 2 of the Principal Regulations is amended by the insertion of the following definition after the definition of "consumer":

" 'consumer organisation' means -

(a) a company, the memorandum of association of which states the company's main object or objects to be the protection of consumer interests,

or

(b) a body corporate (other than a company) or an unincorporated body of persons in relation to which there exists a constitution or a deed of trust which states the body's main object or objects to be the protection of consumer interests;".

¹ O.J. No. L95/29, 21.4.1993

4. Regulation 5 of the Principal Regulations is amended -

- (a) In paragraph (2) by the substitution for "Where there is a doubt" of "Subject to paragraph (3) of this Regulation, where there is a doubt".

and

- (b) by the insertion of the following paragraph after paragraph (2):
"(3) Paragraph (2) of this Regulation does not apply to proceedings under Regulation 8(1) of these Regulations."

5. Regulation 8 of the Principal Regulations is amended:

- (a) in paragraph (1) by the insertion of "or a consumer organisation" after "The Director",
- (b) in paragraph (2) by the insertion of "or the consumer organisation" after "The Director", and
- (c) in paragraph (4) by the insertion of ", the consumer organisation" after "the Director".

GIVEN under my Official Seal

2nd October 2000.

L.S.

Mary Harney

Minister for Enterprise, Trade and Employment.

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 the Directive not fully transposed in the European Communities (Unfair Terms in Consumer Contracts) (Amendment) Regulations, 1995 (S.I. No. 27 of 1995). They provide that Consumer organisations set up for the purpose of protecting consumer rights be allowed to bring an injunction.

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