

## **United Kingdom**

*The information provided below refers to legal provisions adopted or modified pursuant to the transposition of the Services Directive as well as to legal provisions which Member States have indicated as being applicable to service providers in the areas covered by the directive. The information has been provided by the United Kingdom in the context of the implementation of the Services Directive and of the mutual evaluation process. It does not represent a legal analysis or a position of the European Commission in respect of compliance with EU law in general or with the Services Directive in particular. National legal provisions might have suffered amendments during the mutual evaluation process so interested parties are invited to check national legislation in force.*

Information and guidance concerning the implementation of the Services Directive in the United Kingdom can be found on the following website of the Department for Business Innovation and Skills: <http://www.bis.gov.uk/servicesdirective>.

### **Main changes to United Kingdom legislation**

The United Kingdom (UK)<sup>1</sup> has implemented the Services Directive through the Provision of Services Regulations 2009<sup>2</sup>. In addition, a number of changes have been made in other legislative acts, including company law<sup>3</sup> and the regulation of insolvency practitioners<sup>4</sup>.

### **Examples of authorisation schemes imposed on service providers established in the United Kingdom**

A number of authorisation schemes apply in the construction sector, for instance in the UK for energy assessors<sup>5</sup> and activities that involve flood risk management, such as coast protection work<sup>6</sup>, in Scotland in order to operate as an approved scheme provider for the provision of building standards services<sup>7</sup> and for activities which are likely to have an adverse impact or pose a risk to the water environment - including, for example, engineering activities such as river bank reinforcement work or dredging as well as abstractions from and discharges into bodies of surface water or groundwater<sup>8</sup>, in England and Wales for the alteration, repair, maintenance or cleaning of any building<sup>9</sup>; to operate a competent person

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<sup>1</sup> Please note that the requirements reported have different territorial applications. Some apply to the whole of the United Kingdom (which consists of Great Britain and Northern Ireland), some to Great Britain (which consists of England, Scotland and Wales) and some only to England and Wales, Scotland or Northern Ireland. The precise scope of each requirement has been identified in the text.

<sup>2</sup> S.I. 2009/2999.

<sup>3</sup> Companies Act 2006 (Substitution of Section 1201) Regulations 2009 (S.I. 2009/3182).

<sup>4</sup> Provision of Services (Insolvency Practitioners) Regulations 2009 (S.I. 2009/3081); Provision of Services (Insolvency Practitioners) Regulations (Northern Ireland) 2009 (S.I. 2009/401).

<sup>5</sup> Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (S.I. 2007/991); Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008 (S.R. 2008/170); Energy Performance of Buildings (Scotland) Regulations 2008 (S.S.I. 2008/309).

<sup>6</sup> Coast Protection Act 1949.

<sup>7</sup> Building (Scotland) Act 2003.

<sup>8</sup> Water Environment (Controlled Activities) (Scotland) Regulations 2005 (S.S.I. 2005/348).

<sup>9</sup> Highways Act 1980.

scheme for the self-certification of building work<sup>10</sup>; for activities that involve flood risk management, such as the erection of structures in, over or under watercourses<sup>11</sup> and drainage works<sup>12</sup>.

In the retail sector, food premises in Great Britain (GB) require registration and approval<sup>13</sup>. In Scotland, authorisations are required by street traders<sup>14</sup>, market operators<sup>15</sup>, metal dealers and itinerant metal dealers<sup>16</sup>. In Northern Ireland, authorisations are required for street traders<sup>17</sup>, for the retail sale of alcohol to the public<sup>18</sup> and in relation to additional permitted Sunday opening for large shops in holiday resorts<sup>19</sup>.

In the tourism sector, caravan sites in the UK require a licence<sup>20</sup>.

In the real estate sector, in Scotland an authorisation is required for private landlords<sup>21</sup> and for the private letting of so-called houses in multiple occupation<sup>22</sup>. In Northern Ireland, licences are required for the private letting of certain older properties<sup>23</sup> and of properties defined as houses in multiple occupation<sup>24</sup>.

In the food and beverages sector, a license is required for late hours catering in Scotland<sup>25</sup>, and by non proprietary clubs in Northern Ireland, who wish to supply alcohol to members and guests<sup>26</sup>.

In the private education sector, independent schools<sup>27</sup> in the UK and independent schools inspectorates<sup>28</sup> in England and Wales must be authorised.

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<sup>10</sup> Building Act 1984; Building Regulations 2000 (S.I. 2000/2531); Building (Approved Inspectors etc.) Regulations 2000 (S.I. 2000/2532).

<sup>11</sup> Water Resources Act 1991.

<sup>12</sup> Land Drainage Act 1991.

<sup>13</sup> Food Safety Act 1990.

<sup>14</sup> Civic Government (Scotland) Act 1982.

<sup>15</sup> Civic Government (Scotland) Act 1982.

<sup>16</sup> Civic Government (Scotland) Act 1982.

<sup>17</sup> Street Trading Act (Northern Ireland) 2001.

<sup>18</sup> The Licensing (Northern Ireland) Order 1996 (S.I. 1996/3158 (N.I. 22)).

<sup>19</sup> The Shops (Sunday Trading &c.) (Northern Ireland) Order 1997 (S.I. 1997/2779 (N.I. 20)).

<sup>20</sup> Caravan Sites and Control of Development Act 1960; Caravan Sites Act (Northern Ireland) 1963.

<sup>21</sup> Antisocial Behaviour etc. (Scotland) Act 2004.

<sup>22</sup> Civic Government (Scotland) Act 1982; Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 (S.S.I. 2000/177); Housing (Scotland) Act 2006.

<sup>23</sup> Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)).

<sup>24</sup> Housing (Northern Ireland) Order 1992 (S.I. 1992/1725 (N.I. 15)); Houses In Multiple Occupation (Registration Scheme Fees) Order (Northern Ireland) 2004 (S.R. 2004/152).

<sup>25</sup> Civic Government (Scotland) Act 1982.

<sup>26</sup> Clubs which are entirely owned by their members. Registration of Clubs (Northern Ireland) Order 1996 (S.I. 1996/3159 (N.I. 23)).

<sup>27</sup> Education Act 2002; Education (Provision of Information by Independent Schools) (England) Regulations 2003 (S.I. 2003/1934); Education (Scotland) Act 1980; Education and Libraries (NI) Order 1986 (S.I. 1986/594 (N.I. I3)).

<sup>28</sup> Education Act 2002.

In the entertainment sector in Scotland, a licence is required for the use of premises as a place of entertainment and for the sale of alcohol on premises<sup>29</sup>. An authorisation regarding the use of raised platforms is also imposed<sup>30</sup>.

In the business services sector, persons wishing to provide (regulated) claims management services in England and Wales are required to be authorised<sup>31</sup>.

### **Examples of other types of requirements imposed on service providers established in the UK**

Water distribution and supply companies in England and Wales are required to take the specific legal form of a limited company<sup>32</sup> and are subject to a fixed tariff for the testing of water meters<sup>33</sup>. A tariff is also applied to the provision of postal services by the designated universal service provider in the UK<sup>34</sup>; free postal services must be provided to the blind and partially sighted<sup>35</sup>.

Reserves of activity have been reported for insolvency practitioners in the UK<sup>36</sup>, the independent examination of charity accounts in Scotland<sup>37</sup>, and for the following services in Northern Ireland: the supply, distribution and transmission of electricity<sup>38</sup>; the supply, distribution, transmission and storage of natural gas<sup>39</sup>; the operation of overhead electricity power lines and electricity power generation<sup>40</sup>.

### **Examples of requirements on multidisciplinary activities of the regulated professions or in the area of certification, accreditation, technical monitoring and testing services**

The UK has reported that no such requirements have been identified.

### **Examples of requirements which apply to service providers established in other Member States and who are providing services in the United Kingdom**

The UK has stated that most of the authorisation schemes reported apply to both established and incoming service providers. The requirements listed above as examples of authorisation

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<sup>29</sup> Licensing (Scotland) Act 2005.

<sup>30</sup> Civic Government (Scotland) Act 1982.

<sup>31</sup> Compensation Act 2006.

<sup>32</sup> Water Industry Act 1991.

<sup>33</sup> Water (Meters) Regulations 1988 (S.I. 1988/1048).

<sup>34</sup> Postal Services Act 2000.

<sup>35</sup> Postal Services Act 2000.

<sup>36</sup> Insolvency Act 1986; Insolvency Practitioners Regulations 2005 (S.I. 2005/524); Insolvency Practitioner Regulations 2009 (S.I. 2009/3081); Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)); Insolvency Practitioners Regulations (Northern Ireland) 2006 (S.R. 2006/33).

<sup>37</sup> Charities Accounts (Scotland) Regulations 2006 (S.S.I. 218/2006); Charities Accounts (Scotland) Amendment Regulations 2007 (S.S.I. 136/2007).

<sup>38</sup> Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1)); Energy (Northern Ireland) Order 2003 (S.I. 2003/419 (N.I. 6)).

<sup>39</sup> Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2)); Energy (Northern Ireland) Order 2003 (S.I. 2003/419 (N.I. 6)).

<sup>40</sup> Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1)).

schemes applicable to service providers established in the UK therefore appear to also apply to the cross-border provision of the relevant services.

An establishment requirement is imposed on businesses wishing to provide education services to non-EEA country national students, who need to be licensed with the UK Border Agency<sup>41</sup>. A UK presence is required in order for the licence to be issued. An establishment requirement is also imposed on suppliers of vehicle registration number plates in England and Wales<sup>42</sup>.

A range of other obligations are imposed on service providers. For example, detailed operating rules are imposed on employment agencies providing services in the UK, relating to, *inter alia*, the charging of fees, record-keeping, the provision of additional services and confidentiality<sup>43</sup>. In GB auctioneers must display copies of the relevant legislation<sup>44</sup> and their name and address (in visible letters)<sup>45</sup> in the auction room during the auction. Proprietors and staff of independent schools in England must submit to certain checks, including a criminal record check<sup>46</sup>.

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<sup>41</sup> Immigration Act 1971 and the Immigration Rules adopted pursuant to this, available at [www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/](http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/).

<sup>42</sup> The Vehicles (Crime) Act 2001; Vehicle Crime (Regulation of Registration Plate Suppliers) Regulations 2008 (S.I. 2008/1715).

<sup>43</sup> Employment Agencies Act 1973; Conduct of Employment Agencies and Employment Businesses Regulations 2003 (S.I. 2003/3319); Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 (No. 839 (N.I. 20)); Conduct of Employment Agencies and Employment Businesses Regulations (Northern Ireland) 2005 (S.R. 2005/395).

<sup>44</sup> Auctions (Bidding Agreements) Act 1927; Auctions (Bidding Agreements) Act 1969.

<sup>45</sup> Auctioneer's Act 1845.

<sup>46</sup> Education (Independent School Standards) (England) Regulations 2003 (S.I. 2003/1910).