



SEANAD ÉIREANN

**AN BILLE UM CHOSAINN TOMHALTÓIRÍ 2007
CONSUMER PROTECTION BILL 2007**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM CHOSAINN TOMHALTÓIRÍ 2007 —AN CHOISTE

CONSUMER PROTECTION BILL 2007 —COMMITTEE STAGE

*Leasuithe
Amendments*

**Government Amendments are distinguished by an asterisk.*

SECTION 2

***1.** In page 10, lines 27 and 28, to delete all words from and including “any” in line 27 down to and including “profession” in line 28 and substitute the following:

“any service or facility provided for gain or reward or otherwise than free of charge”.

***2.** In page 11, to delete lines 3 to 6 and substitute the following:

“(a) sell, lease, take by way of mortgage or other security, assign, award by chance or otherwise effect a disposition of,

(b) offer or agree to supply or expose or display for supply;”.

***3.** In page 11, after line 43, to insert the following subsection:

“(5) Notwithstanding Article 3(10) of the Directive but subject to sections 5 to 6A (inserted by *section 95#*) of the Hallmarking Act 1981, *Part 3* applies to commercial practices relating to indications of the standard of fineness of articles of precious metal.”.

[#*This is the appropriate reference if amendment no. 38 is accepted.*]

SECTION 4

***4.** In page 12, between lines 19 and 20, to insert the following subsection:

“(2) Section 20(5)(b) of the National Standards Authority of Ireland Act 1996 is amended by deleting “the Merchandise Marks Acts 1887 to 1978, and”.”.

SECTION 8

***5.** In page 14, between lines 45 and 46, to insert the following subsection:

“(5) Nothing in this section or any other provision of this Act imposes a duty on the Agency to consider whether to investigate a matter relating to *Part 3* that is referred to it by a trader but the Agency may, in the case of a matter so referred to it, consider whether to do so (and, accordingly, may proceed to investigate the matter) where it is satisfied the matter may affect the interests and welfare of consumers.”.

[SECTION 35]

SECTION 35

*6. In page 34, subsection (5), line 33, after “Acts” to insert “of the Oireachtas”.

SECTION 37

*7. In page 36, subsection (3), line 18, after “Act” to insert the following:

“(within the meaning of the Interpretation Act 2005)”.

SECTION 40

*8. In page 37, before section 40, but in Part 2, to insert the following new section:

“References in certain other enactments to Director or Office of Director.

40.—(1) The Acts of the Oireachtas specified in *Part 1 of Schedule 3#* are amended as indicated in that Schedule.

(2) The instruments specified in *Part 2 of Schedule 3#* are amended as indicated in that Schedule.”.

[#These are the appropriate references if amendment no. 44 is accepted.]

*9. In page 38, subsection (2)(b)(i), line 7, to delete “trader’s product” and substitute “product concerned”.

SECTION 41

*10. In page 38, subsection (2), line 19, to delete “*Sections 42 to 45*” and substitute the following:

“Without prejudice to the amendments of the Hallmarking Act 1981 made by *section 95#, sections 42 to 45*”.

[#This is the appropriate reference if amendment no. 38 is accepted.]

SECTION 45

*11. In page 41, subsection (3)(a), line 37, after “product” to insert the following:

“, to an extent appropriate to the medium and the product”.

*12. In page 42, lines 22 to 27, to delete subsection (5).

SECTION 50

*13. In page 44, subsection (1)(a), lines 26 and 27, to delete “trader’s product” and substitute “product concerned”.

SECTION 52

14. In page 49, subsection (3), between lines 3 and 4, to insert the following:

[SECTION 52]

“(h) in relation to the method of payment, charging the consumer—

- (i) any extra amount of money, commonly referred to as a credit card surcharge, if a consumer chooses to pay for goods of any description or any services or accommodation by credit or debit card, or
- (ii) a different price to supply goods of any description, or provide any services or accommodation depending on the payment being made in cash or by credit card or debit card, or
- (iii) a handling fee for purchases made on the Internet depending on the method of payment chosen by the consumer.”.

—*Senator Margaret Cox.*

SECTION 61

15. In page 51, before section 61, but in Part 3, to insert the following new section:

“CHAPTER 5

Price Surveys

Amendment of
Central Bank and
Financial Services
Authority of Ireland
Act 2003.

61.—The Central Bank and Financial Services Authority of Ireland Act 2003 is amended in Article 3 of Part 21 of Schedule 1 by the insertion of the following after section 7:

“Power of
Director to
conduct and
publish price
surveys.

7A.—(1) The Director may, in the interests of better informing consumers, conduct price surveys in order to—

- (a) make consumers aware of price discrepancies,
- (b) assess competitiveness or other practices under sections 4 and 5 of the Competition Act 2002, or
- (c) for such other reason as the Director may, from time to time, deem necessary.

(2) The Director shall not be limited by national or currency boundaries in carrying out a price survey referred to in subsection (1).

(3) The Director shall be empowered to—

- (a) (i) publish or part-publish all or any part of information,
- (ii) create an electronic database containing data,
gathered by him or her under this section, and
- (b) make any electronic database created under paragraph (a)(ii) publicly available on-line.

Codes of
Conduct.

7B.—The Director may compile and publish codes of conduct for service providers and retailers on such issues as he or she may, from time to time, deem appropriate, including the passing on of costs such as exchange rate movements.

[SECTION 61]

Good Practice
Provider
Quality Mark.

7C.—(1) The Director may establish the ‘Good Practice Provider Quality Mark’.

(2) The Good Practice Provider Quality Mark shall be awarded to suppliers of goods and services who agree to be bound by a code of practice compiled and published under section 7B.”.”.

—*Senator Paul Coghlan.*

SECTION 62

***16.** In page 52, subsection (1), to delete lines 5 to 7 and substitute the following:

“scheme,

(b) knowingly participate in such a scheme, or

(c) induce or attempt to induce another person to participate in such a scheme.”.

SECTION 68

***17.** In page 55, subsection (7), line 7, to delete “appropriate.” and substitute the following:

“appropriate, including a requirement that the trader or person publish a corrective statement, at the trader’s or person’s own expense and in any manner the court considers appropriate, in respect of the matters the subject of the order.”.

SECTION 70

***18.** In page 57, subsection (4)(d), lines 6 and 7, to delete all words from and including “corrective” in line 6 down to and including “practice” in line 7 and substitute the following:

“a corrective statement relating to the prohibited act or practice”.

SECTION 72

19. In page 58, before section 72, but in Chapter 2, to insert the following new section:

“Amendment of
Order 53A of the
District Court Rules
1997.

72.—Order 53A of the District Court Rules, 1997 (S.I. No. 410 of 2001) is amended—

(a) in Rule 1, by the substitution in the definition of “small claim” of “€10,000” for “€1,269.74”,

(b) in Rule 3, by the substitution of “€10.00” for “€9.00”, and

(c) in Rule 7, by the substitution of “€10.00” for “€9.00”.”.

—*Senator Paul Coghlan.*

[SECTION 75]

SECTION 75

- *20. In page 61, subsection (1), line 7, after “Act,” to insert the following:
“other than an offence under *section 62(2)*,”.

SECTION 78

- *21. In page 63, subsection (6), line 36, after “Court” to insert “or, as appropriate, the Circuit Court”.
- *22. In page 63, subsection (6), line 37, to delete “district” and substitute the following:
“District Court district or, as appropriate, the circuit”.
- *23. In page 63, subsection (7), line 39, to delete “District Court” and substitute “the District Court or the Circuit Court”.

SECTION 83

24. In page 66, before section 83, but in Chapter 5, to insert the following new section:

“Amendment of section 42 of the Competition Act 2002.

83.—Section 42 of the Competition Act 2002 is amended—

(a) by the insertion of the following after subsection (2):

“(3) Within 2 months of the publication of a report under subsection (1), the Authority shall issue a report on the implications of State action for competition, including the identification of how the State has inhibited or prevented competition.

(4) All Government Departments and Agencies shall be obliged to respond to a report under subsection (3) within 30 days.”,

and

(b) in subsection (3), by the substitution of “this section” for “subsection (1)”.

—*Senator Paul Coghlan.*

25. In page 66, before section 83, but in Chapter 5, to insert the following new section:

“CHAPTER 6

Accounts of Large Multiples

Amendment of Part 4 of the Competition Act 2002.

83.—The Competition Act 2002 is amended in Part 4 by the insertion of the following before section 32:

[SECTION 83]

“Power to see accounts of large multiples.” 31A.—(1) The Minister may, by regulation, provide for the power of the Authority to audit the accounts of such multiple retailers as it sees fit for the purposes of ensuring full transparency of the competition in the retail grocery market.

(2) The Authority shall be empowered to publish or part-publish such financial information pertaining to multiple retailers as it may, from time to time, deem appropriate for the purposes of comparison and the assessment of competitiveness or practices of such multiple retailers in terms of sections 4 and 5 of this Act.

(3) In this section—

‘multiple retailer’ means a grocery retailer with at least 3 distinct trading locations within the State, and shall not include a supplier or wholesaler;

‘retailer’ means any person who resells grocery goods to the public;

‘supplier’ means a manufacturer or importer of grocery goods for sale to wholesalers or retailers and includes any person who processes, blends, cans, packs or otherwise prepares grocery goods for sale to wholesalers or retailers and also includes any person who acts as the sole distributor of such goods to wholesalers or retailers;

‘wholesaler’ means any person who purchases from a supplier grocery goods for resale to retailers.”.

—*Senator Paul Coghlan.*

SECTION 84

26. In page 67, before section 84, but in Part 5, to insert the following new section:

“Power of Oireachtas to order quarterly review of end-user charges in a regulated area.

84.—The Oireachtas shall have the power to order the Regulator to lay before it, a quarterly review of all end-user charges in a regulated area.”.

—*Senator Paul Coghlan.*

27. In page 67, before section 84, but in Part 5, to insert the following new section:

“Accountability of Regulator to Oireachtas.

84.—(1) The Regulator shall be accountable to the Oireachtas and its committees for

(a) its budget, and

(b) its policy remit.

(2) The Regulator shall inform the Oireachtas of any change it intends to make in its policy on regulation.”.

—*Senator Paul Coghlan.*

28. In page 67, before section 84, but in Part 5, to insert the following new section:

“PART 6#

ESTABLISHMENT OF A CONSOLIDATED REGULATOR

Establishment of Regulator.

84.—(1) On the establishment day there is established a body to be known as the National Regulator or, in the Irish language, An Rialaitheoir Náisiúnta, which shall perform the functions conferred on it by or under this Act.

(2) The Regulator shall be a body corporate with perpetual succession and a seal and power—

(a) to sue and be used in its corporate name,

(b) to acquire, hold and dispose of land or an interest in land, and

(c) to acquire, hold and dispose of any other property.”.

—*Senator Paul Coghlan.*

[#*The proposed new Part comprehends the inclusion of later amendments.*]

29. In page 67, before section 84, but in Part 5, to insert the following new section:

“Seal of Regulator.

84.—(1) The Regulator shall, as soon as may be after its establishment, provide itself with a seal.

(2) The seal shall be authenticated by the signature of—

(a) a Chairman, or

(b) a member of the staff of the Regulator, authorised by the Regulator to act in that behalf.

(3) Judicial notice shall be taken of the seal of the Regulator and every document

—
(a) purporting to be an instrument made by and to be sealed with the seal of the Regulator, and

(b) purporting to be authenticated in accordance with *subsection (2)*,

shall be received in evidence and be deemed to be such instrument without proof unless the contrary is shown.”.

—*Senator Paul Coghlan.*

30. In page 67, before section 84, but in Part 5, to insert the following new section:

“Functions and powers of Regulator.

84.—(1) The Regulator shall assume the powers of the following regulators:

(a) the Regulator of Premium Rate Telecommunications Services, the Independent Regulator of the content and promotion of Premium Rate Telecommunications Services in Ireland;

(b) the Regulator for Energy Regulation, as established by Electricity Regulation Act 1999 and expanded by the Gas (Interim) (Regulation) Act 2002;

[SECTION 84]

- (c) the Communications Regulator, established by the Communications Regulation Act 2002;
- (d) the Taxi Regulator, established by the Taxi Regulation Act 2003;
- (e) the Irish Financial Services Regulation Authority, as established by the Central Bank and Financial Services Authority of Ireland Act 2004 Act; and
- (f) the Regulator for Aviation Regulation, as established by the Aviation Regulation Act 2001.

(2) Any restriction in law that applies or applied to a regulator referred to in subsection (1) shall continue to apply to him or her as a member of the Regulator.

(3) (a) The Minister may, after consultation with the Regulator, by order, transfer to the Regulator such additional functions as the Minister considers appropriate, being functions that are incidental, supplemental or consequential to the functions conferred on the Regulator under this section.

(b) The Minister may, by order, amend or revoke an order under this subsection.

(4) The Regulator shall have all such powers as are necessary for or incidental to the performance of its functions under this Act.”

—*Senator Paul Coghlan.*

31. In page 67, before section 84, but in Part 5, to insert the following new section:

“Independence of Regulator.

84.—Subject to this Act, the Regulator shall be independent in the exercise of its functions.”

—*Senator Paul Coghlan.*

32. In page 67, before section 84, but in Part 5, to insert the following new section:

“Composition and procedures of the Regulator.

84.—(1) The Regulator shall consist of a board comprising—

- (a) a Chairman;
- (b) a Premium Rate Telecommunications Services Regulator;
- (c) an Energy Regulator;
- (d) a Communications Regulator;
- (e) a Taxi Regulator;
- (f) a Financial Services Regulator;
- (g) an Aviation Regulator;
- (h) a Chief Executive; and
- (i) not more than three other members.

[SECTION 84]

(2) Each member of the Board of the Regulator shall be known as a Regulator and is in this Act referred to as “a Regulator”.

(3) Subject to this Act, the Regulator may regulate its own procedure.”

—*Senator Paul Coghlan.*

33. In page 67, before section 84, but in Part 5, to insert the following new section:

“Appointment of the Board of the Regulator.

84.—(1) The Chairman of the Regulator shall be appointed—

(a) by the Minister, and

(b) on such terms and conditions, including remuneration, as the Minister may fix, with the consent of the Minister for Finance.

(2) Each Regulator shall be appointed in the manner provide by law or the relevant statute.

(3) The three other members of the Board shall be appointed by the Minister under section 19(1)(h), on the approval of Dáil Éireann.”

—*Senator Paul Coghlan.*

34. In page 67, before section 84, but in Part 5, to insert the following new section:

“Resignation and removal of Members of the Board of the Regulator.

84.—(1) A Member of the Board of the Regulator may resign by giving notice in writing to the Minister of his or her intention to resign and any such resignation shall take effect as of the date upon which the Minister shall have received notice of the resignation.

(2) A Member of the Board of the Regulator may be removed from office by the Minister—

(a) if, in his or her opinion, the Member of the Board has become incapable through ill health of effectively performing his or her duties, or

(b) for stated misbehaviour.

(3) In removing a Member of the Board of the Regulator, the Minister shall give a statement of the reason or reasons for the removal to that Member and the statement of reasons shall be laid before each House of the Oireachtas.”

—*Senator Paul Coghlan.*

35. In page 67, before section 84, but in Part 6, to insert the following new section:

“Amendment to section 30 of the Competition Act 2002.

84.—Section 30 of the Competition Act 2002 is amended—

(a) in subsection (1)(b) by the insertion of the following after “occurred”:

“, and the Authority shall keep any complainant regularly informed of the progress of any investigation under this paragraph”,

and

[SECTION 84]

(b) by the insertion of the following subsection after subsection (2):

“(3) The Minister shall introduce regulations to introduce defined time limits for different stages of investigations by the Authority, to address concerns about the length of time of investigations.”.

—*Senator Paul Coghlan.*

SECTION 93

*36. In page 71, line 10, to delete “of the Industrial Development Act 1993”.

NEW SECTIONS

*37. In page 71, before Schedule 1, to insert the following new section:

“Amendment of
Casual Trading Act
1995.

94.—The following section is inserted after section 6 of the Casual Trading Act 1995:

“Guidelines
with respect to
performance of
functions under
section 6.

6A.—(1) The Minister may prepare and issue to local authorities guidelines, in writing, regarding the performance by them of their functions under section 6 in relation to bye-laws.

(2) Without prejudice to the generality of subsection (1), guidelines under this section may include guidelines as to the particular provision that a local authority should make by bye-laws under section 6 in relation to each of the matters mentioned in subsection (2) of that section.

(3) Local authorities shall have regard to guidelines for the time being in force under this section in performing their functions under section 6 in relation to bye-laws.

(4) The Minister may amend or revoke, in writing, guidelines issued under this section.

(5) The Minister shall cause a copy of any guidelines issued under this section and of any amendment or revocation of them to be laid before each House of the Oireachtas.”.

*38. In page 71, before Schedule 1, to insert the following new section:

“Amendment of
Hallmarking Act
1981.

95.—The following sections are substituted for sections 5 and 6 of the Hallmarking Act 1981:

“False
representations
in relation to
certain articles.

5.—(1) Subject to section 6 of this Act, a commercial practice that involves a representation that an article which is not of precious metal is made wholly or partly of gold, silver or platinum is a misleading commercial practice under *section 42(1)* and (2) of the *Consumer Protection Act 2007*.

(2) A trader who engages in any misleading commercial practice described in subsection (1) is guilty of an offence under *section 46* of the *Consumer Protection Act 2007*.

[*NEW SECTIONS*]

Permissible representations in relation to certain articles. 6.—(1) Section 5 of this Act does not apply to a representation which is permissible under this Act.

(2) A representation is permissible under this Act if it complies with the following conditions:

(a) it is confined either expressly or by implication to the colour of the article;

(b) if it consists of or includes the word ‘gold’, that word is qualified by the word ‘plated’ or the word ‘rolled’;

(c) if it consists of or includes the word ‘silver’ or the word ‘platinum’, whichever of those words is used is qualified by the word ‘plated’;

(d) where the representation is in writing and the word ‘plated’ or ‘rolled’ is used, that word is at least as large as the rest of the representation.

(3) Subsection (2) of this section does not apply if the representation is false or is applied to an article for which the representation is inappropriate.

Construction of certain expressions in sections 5 and 6. 6A.—In sections 5 and 6 of this Act, ‘commercial practice’, ‘representation’ and ‘trader’ have the same meaning as they have in the *Consumer Protection Act 2007*.”.”.

***39.** In page 71, before Schedule 1, to insert the following new section:

“Power of officer of customs and excise to detain unsafe goods. 96.—For the purpose of facilitating the performance by the Agency of any functions conferred on it by any of the relevant statutory provisions relating to the safety of products, an officer of customs and excise, when authorised to do so by the Revenue Commissioners following a written request in that behalf by the Agency, may detain any goods being imported for such period as is reasonably necessary for the Agency to examine the goods, or arrange to have the goods examined, which period shall not in any case exceed 72 hours from the time when the goods concerned are detained.”.

***40.** In page 71, before Schedule 1, to insert the following new section:

“Admissibility of certain laboratory tests. 97.—(1) A certificate in writing purporting to be signed by a person employed in a relevant laboratory and stating the results of one or more tests carried out in that laboratory with respect to a product of a specified type shall, without proof of the signature of that person or that he or she is employed in the relevant laboratory, be admissible as evidence of the results of the test or tests in the following proceedings taken in relation to that type of product.

(2) Those proceedings are proceedings under any of the statutory instruments specified in *Schedule 6#*.

[*NEW SECTIONS*]

(3) In this section ‘relevant laboratory’ means a laboratory the competence of which to carry out tests in relation to products is recognised by an authority performing functions under the laws, regulations or administrative provisions adopted by a Member State for the purposes of any of the Directives specified in *Schedule 7#*.

(4) Where a certificate referred to in *subsection (1)* is produced in proceedings referred to in *subsection (2)*, it shall be presumed, until the contrary is shown, that the laboratory referred to in the certificate as a relevant laboratory is such a laboratory.”.

[#*These are the appropriate references if amendments no. 46 and 47 are accepted.*]

SCHEDULE 1

*41. In page 71, to delete lines 40 and 41.

*42. In page 73, between lines 46 and 47, to insert the following:

“

S.I. No. 853 of 2004	European Communities (Distance Marketing of Consumer Financial Services) Regulations 2004
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”

SCHEDULE 2

*43. In page 74, before Schedule 2, to insert the following new Schedule:

“*Section 4.*

SCHEDULE 2

REPEALS

Session and Chapter or Number and Year (1)	Short Title (2)	Extent of Repeal (3)
50 & 51 Vic., c. 28	Merchandise Marks Act 1887	The whole Act
54 & 55 Vic., c. 15	Merchandise Marks Act 1891	The whole Act
1 & 2 Geo. 5., c. 31	Merchandise Marks Act 1911	The whole Act
5 & 6 Geo. 5., c. 1	Anglo-Portuguese Commercial Treaty Act 1914	The whole Act
6 & 7 Geo. 5., c. 39	Anglo-Portuguese Commercial Treaty Act 1916	The whole Act
No. 10 of 1930	Agricultural Produce (Fresh Meat) Act 1930	Section 27(4) and (5)
No. 35 of 1930	Portuguese Treaty Act 1930	The whole Act
No. 26 of 1931	Agricultural Produce (Potatoes) Act 1931	Section 19(4) and (5)
No. 48 of 1931	Merchandise Marks Act 1931	The whole Act

[SCHEDULE 2]

No. 6 of 1936	Spanish Trade Agreement Act 1936	The whole Act
No. 14 of 1955	Seed Production Act 1955	Section 22(3)
No. 4 of 1958	Prices Act 1958	The whole Act, except to the extent specified in section 89
No. 25 of 1968	Road Traffic Act 1968	Section 14(1), (2) and (3)
No. 20 of 1972	Prices (Amendment) Act 1972	The whole Act
No. 1 of 1978	Consumer Information Act 1978	The whole Act
No. 11 of 1980	Packaged Goods (Quantity Control) Act 1980	Section 12(1)
No. 27 of 1980	Pyramid Selling Act 1980	The whole Act
No. 31 of 1987	Restrictive Practices (Amendment) Act 1987	The whole Act
No. 28 of 1996	National Standards Authority of Ireland Act 1996	Section 19(3) and 21(7)

”.

[Acceptance of this amendment involves the deletion of Schedule 2 of the Bill.]

SCHEDULE 3

*44. In page 74, before Schedule 3, to insert the following new Schedule:

“Section 40.

SCHEDULE 3

REFERENCES IN CERTAIN ACTS AND INSTRUMENTS TO DIRECTOR OR OFFICE OF DIRECTOR

PART 1

REFERENCES IN CERTAIN ACTS TO DIRECTOR OF CONSUMER AFFAIRS OR OFFICE OF THE DIRECTOR OF CONSUMER AFFAIRS

Short Title, Number and Year (1)	Provision affected (2)	Amendment (3)
Ombudsman Act 1980 (No. 26 of 1980)	First Schedule	In Part II, delete “the Director of Consumer Affairs”.
	Second Schedule	Insert “National Consumer Agency”.
National Archives Act 1986 (No. 11 of 1986)	Schedule	Substitute “National Consumer Agency” for “Office of the Director of Consumer Affairs”.

[SCHEDULE 3]

Prompt Payment of Accounts Act 1997 (No. 31 of 1997)	Schedule	Substitute “National Consumer Agency” for “the Office of the Director of Consumer Affairs”.
Taxes Consolidation Act 1997 (No. 39 of 1997)	Schedule 13	Substitute the following for paragraph 112 (inserted by section 14 of the Finance Act 2001): “112. National Consumer Agency.”.
Electronic Commerce Act 2000 (No. 27 of 2000)	Section 15	Substitute “role of the National Consumer Agency” for “role of the Director of Consumer Affairs”.
Competition Act 2002 (No. 14 of 2002)	Schedule 1 (as amended by the Competition Act 2002 (Section 34(11)) (Director of Consumer Affairs) Order 2003 (S.I. No. 130 of 2003)	In column (1), substitute “National Consumer Agency” for “Director of Consumer Affairs”.
Ombudsman for Children Act 2002 (No. 22 of 2002)	Schedule 1	In Part 2, substitute “National Consumer Agency” for “Director of Consumer Affairs”.
Personal Injuries Assessment Board Act 2003 (No. 46 of 2003)	Section 56(6)	Substitute “the chief executive of the National Consumer Agency” for “the Director of Consumer Affairs”.
Official Languages Act 2003 (No. 32 of 2003)	First Schedule	In paragraph 1— (a) in subparagraph (1), delete “Office of the Director of Consumer Affairs”, and (b) in subparagraph (2), insert “National Consumer Agency”.
Veterinary Practice Act 2005 (No. 22 of 2005)	Section 16(1)	Substitute the following for paragraph (g): “(g) one person who is nominated for such appointment by the National Consumer Agency;”.

PART 2

REFERENCES IN CERTAIN INSTRUMENTS TO DIRECTOR OF CONSUMER AFFAIRS OR OFFICE OF THE
DIRECTOR OF CONSUMER AFFAIRS

Citation, Number and Year	Provision affected	Amendment
(1)	(2)	(3)

[SCHEDULE 3]

Air Quality Standards Regulations 2002 (S.I. No. 271 of 2002)	Schedule 14	Substitute the following for paragraph (6): “(6) National Consumer Agency”.
Genetically Modified Organisms (Deliberate Release) Regulations 2003 (S.I. No. 500 of 2003)	Regulation 62(1)	(a) Substitute the following for paragraph (g): “(g) the National Consumer Agency,”. (b) In paragraph (j), substitute “the National Consumer Agency” for “the Office of the Director of Consumer Affairs”.
Ozone in Ambient Air Regulations 2004 (S.I. No. 53 of 2004)	Schedule 10	Substitute the following for paragraph (6): “(6) National Consumer Agency”.
Investor Compensation Act 1998 (Section 18(4)) (Prescription of Bodies and Individuals) Regulations 2004 (S.I. No. 570 of 2004)	Regulation 2	Substitute the following for paragraph (b): “(b) the National Consumer Agency,”.
Finance Act 1993 (Section 60) Regulations 2005 (S.I. No. 846 of 2005)	Schedule	Substitute “National Consumer Agency” for “Office of the Director of Consumer Affairs”.

SCHEDULE 3

*45. In page 74, column 2, line 24, to Delete “Travel” where it firstly occurs and substitute “Holidays”.

NEW SCHEDULES

*46. In page 77, after line 18, to insert the following new Schedule:

“Section 97#.

SCHEDULE 6

STATUTORY INSTRUMENTS FOR THE PURPOSES OF SECTION 97# (ADMISSIBILITY OF LABORATORY TESTS)”.

Number and Year	Citation
S.I. No. 32 of 1990	European Communities (Safety of Toys) Regulations 1990
S.I. No. 101 of 1992	European Communities (Appliances Burning Gaseous Fuels) Regulations 1992

[*NEW SCHEDULES*]

S.I. No. 482 of 1992	European Communities (Low Voltage Electrical Equipment) Regulations 1992
S.I. No. 272 of 1993	European Communities (Personal Protective Equipment) Regulations 1993
S.I. No. 199 of 2004	European Communities (General Product Safety) Regulations 2004

[#*These are the appropriate references if amendment no. 40 is accepted*]

*47. In page 77, after line 18, to insert the following new Schedule:

“*Section 97#.*

SCHEDULE 7

DIRECTIVES FOR THE PURPOSE OF *SECTION 97#* (ADMISSIBILITY OF LABORATORY TESTS)

Council Directive 73/23/EEC of 19 February 1973 on the harmonization of the laws of Member States relating to electrical equipment designed for use within certain voltage limits

Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys

Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment

Council Directive 90/396/EEC of 29 June 1990 on the approximation of the laws of the Member States relating to appliances burning gaseous fuels

Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on the approximation of the laws of the Member States relating to general product safety .”

[#*These are the appropriate references if amendment no. 40 is accepted*]