



Enterprise Act 2016

2016 CHAPTER 12

PART 1

THE SMALL BUSINESS COMMISSIONER

Complaints scheme

4 The SBC complaints scheme

- (1) The Commissioner must establish, maintain and administer a scheme (in this Part referred to as “the SBC complaints scheme”) under which the Commissioner—
 - (a) enquires into, considers and determines relevant complaints, and
 - (b) may make recommendations as to how the issues raised by those complaints may be remedied, resolved or mitigated or how similar issues may be prevented from arising in future.
- (2) The Commissioner must establish, maintain and administer the SBC complaints scheme in accordance with regulations made by the Secretary of State under section 7 (scheme regulations).
- (3) “Relevant complaint” means a complaint which—
 - (a) is made by a small business (“the complainant”) which has an agreement to supply, or has supplied or may supply, goods or services to a larger business (“the respondent”),
 - (b) relates to a payment matter (see subsection (4)), and
 - (c) is not excluded from the scheme (see subsection (5)).
- (4) A complaint relates to a payment matter if it relates to—
 - (a) a request or other act, or a failure to pay or other omission, in relation to a payment—
 - (i) for or in connection with the supply of goods or services, or

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- (ii) in connection with the relationship or possible relationship between the small business and the larger business so far as relevant to the supply, or
 - (b) any provision made or proposed to be made in connection with the supply or that relationship which restricts, or purports to restrict, any right of the small business to make a complaint under the SBC complaints scheme or to have a complaint enquired into, considered or determined under the scheme.
- (5) A complaint is excluded from the scheme if—
- (a) it relates to the appropriateness of the price payable or proposed to be payable under a contract for the goods or services supplied or to be supplied by the small business under the contract by comparison with those goods or services,
 - (b) it concerns matters which are currently the subject of legal proceedings or adjudication proceedings,
 - (c) it falls within the jurisdiction of an ombudsman, regulator or public authority (other than the Commissioner, a court or a tribunal),
 - (d) the complainant has a statutory right to refer the complaint for adjudication by a person other than a court or tribunal,
 - (e) the complaint relates to—
 - (i) an act or omission which occurred before the appointed start date, or
 - (ii) an act or omission in accordance with a term of a contract entered into before that date, where that term has not been varied on or after that date, or
 - (f) it is of a description specified by regulations made by the Secretary of State.
- (6) For the purposes of paragraph (e) of subsection (5), “the appointed start date” means the date appointed by the Secretary of State by regulations.
- (7) Regulations under this section may—
- (a) make transitory or transitional provision or savings;
 - (b) make different provision for different purposes.
- (8) Regulations under subsection (6) may appoint different dates for different areas.
- (9) Regulations under this section are to be made by statutory instrument.
- (10) A statutory instrument containing regulations under this section (other than regulations under subsection (6)) must not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (11) In this section “larger business” has the meaning given by section 3(11).

Modifications etc. (not altering text)

- C1** S. 4(6): appointed day for the purposes of s. 4(5)(e) (6.4.2017) by [The Enterprise Act 2016 \(Commencement No. 4 and Appointed Start Date\) Regulations 2017 \(S.I. 2017/473\)](#), **reg. 4**

Commencement Information

- I1** S. 4 in force at Royal Assent for specified purposes, see s. 44(1)
- I2** S. 4 in force at 1.10.2017 in so far as not already in force by [S.I. 2017/473](#), **reg. 3(a)**

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