
STATUTORY INSTRUMENTS

2001 No. 1422

The Stop Now Orders (E.C. Directive) Regulations 2001

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Stop Now Orders (E.C. Directive) Regulations 2001 and shall come into force on 1st June 2001.

(2) These Regulations extend to Northern Ireland.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Fair Trading Act 1973 ^{M1};

“Community infringement” means any act contrary to the Directives as transposed into the internal legal order of a Member State and which harms the collective interests of consumers included in the Directives;

“Community qualified entity” means an entity from another Member State for the time being listed in the Official Journal of the European Communities under Article 4(3) of the Injunctions Directive;

“the Directives” means the directives listed in Schedule 1 to these Regulations;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the protocol signed at Brussels on 17th March 1993 ^{M2};

“the European Commission” means the Commission of the European Communities;

“Injunctions Directive” means Directive [98/27/EC](#) of the European Parliament and of the Council of 19th May 1998 on injunctions for the protection of consumers’ interests ^{M3};

“Member State” means a State which is a contracting party to the EEA Agreement;

“other UK qualified entity” means an organisation designated by the Secretary of State in accordance with regulation 4;

“public UK qualified entity” means an independent public body specifically responsible for protecting the collective interests of consumers included in the Directives and listed in Schedule 3 to these Regulations;

“qualified entity” means a public UK qualified entity, an other UK qualified entity, or a Community qualified entity;

“Stop Now Order” means an order as mentioned in paragraph 7 of Schedule 2 to these Regulations.

(2) Terms (other than “consumer”) used in Part III of the Act shall have the same meaning as in that Act, and terms used in the Injunctions Directive shall have the same meaning as in that directive.

(3) For the purposes of the definition of “Community infringement” as it applies in relation to the law of any part of the United Kingdom, the internal legal order shall be taken to include the following:

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- (a) regulation of misleading and comparative advertising, except regulation specifically in relation to food, tobacco and tobacco products;
- (b) the Consumer Protection (Cancellation of Contracts Concluded away from Business Premises) Regulations 1987 ^{M4};
- (c) the Consumer Credit Act 1974 ^{M5};
- (d) regulation of the content, amount and distribution of television advertising and of programme sponsorship;
- (e) the Package Travel, Package Holidays and Package Tours Regulations 1992 ^{M6};
- (f) The Medicines (Advertising) Regulations 1994 ^{M7};
- (g) the Unfair Terms in Consumer Contracts Regulations 1999 ^{M8};
- (h) the Timeshare Act 1992 ^{M9};
- (i) the Consumer Protection (Distance Selling) Regulations 2000 ^{M10};
- (j) regulation of the sale and supply to consumers of goods and the following services, and of guarantees in relation to such services—
 - (i) services provided under a contract for the supply of goods to be manufactured or produced; and
 - (ii) installation of goods, where installation forms part of a contract for the sale or supply of goods, and where the goods are installed by the seller or supplier or under his responsibility.

Marginal Citations

- M1** 1973 c. 41.
- M2** Directive 98/27/EC was added to Annex XIX of the EEA Agreement by Decision No. 121/1999 of the EEA Joint Committee which came into force on 1 July 2000 (O.J. No. L325, 21.12.00, p.38).
- M3** OJ No. L166, 11.6.98, p.51.
- M4** SI 1987/2117, amended by the Consumer Protection (Cancellation of Contracts Concluded away from Business Premises) (Amendment) Regulations 1988, SI 1988/958.
- M5** 1974 c. 39. The Act has been amended on numerous occasions.
- M6** SI 1992/3288, amended by the Package Travel, Package Holidays and Package Tours (Amendment) Regulations 1995, SI 1995/1648 and 1998, SI 1998/1208.
- M7** SI 1994/1932, amended by the Medicines (Advertising) Amendment Regulations 1996, SI 1996/1552 and the Medicines (Advertising and Monitoring of Advertising) Amendment Regulations 1999, SI 1999/267.
- M8** SI 1999/2083, amended by the Unfair Terms in Consumer Contracts (Amendment) Regulations 2001, SI 2001/1186.
- M9** c. 35, amended by the Timeshare Regulations 1997 (SI 1997/1081) and in other respects not relevant to these Regulations.
- M10** SI 2000/2334.

Application of Part III of Fair Trading Act 1973 to Community infringements

3. The provisions of Schedule 2 to these Regulations shall have effect in place of the corresponding provisions of Part III of the Act in relation to Community infringements.

Designation of other UK qualified entities

4.—(1) On application to him in writing, supported by such evidence as he may require, the Secretary of State may designate any organisation whose purpose is to protect the collective interests of consumers included in the Directives as an other UK qualified entity where he considers that the organisation meets the criteria in paragraph (2) below.

(2) The criteria are—

- (a) that the organisation is so constituted, managed and controlled as to be expected to act independently, impartially and with complete integrity;
- (b) that the organisation has demonstrated the ability to protect the collective interests of consumers included in the Directives by promoting high standards of integrity and fair dealing in the conduct of business in relation to such consumers;
- (c) that the organisation is ready and willing to co-operate, by the sharing of information and otherwise, with the Director, other qualified entities and any other authority, body or person having responsibility for the regulation of the matters covered by these Regulations.

(3) An organisation shall not be regarded as failing to meet the criterion set out in paragraph (2) (a) above by reason only of a connection with a person carrying on business of a kind that could be affected, directly or indirectly, by action taken under these Regulations so long as that person does not control the organisation and any profits of the business are used for the purpose mentioned in paragraph (2)(b) above.

(4) A designation under this regulation may be for all purposes under these Regulations or in relation only to particular types of Community infringement and shall be published in such manner as appears to the Secretary of State best calculated for bringing it to the attention of persons who may be concerned.

(5) At the request of an organisation designated under this regulation the Secretary of State shall communicate to the European Commission that the organisation is qualified to bring proceedings under these Regulations and the name and purpose of the organisation.

(6) The Secretary of State may withdraw or amend a designation under this regulation at the request of an organisation or if it no longer appears to him that the organisation meets the criteria in paragraph (2) above generally or in relation to particular types of Community infringement.

(7) Where a designation is withdrawn or amended under paragraph (6) above the Secretary of State shall publish the withdrawal or amendment in accordance with paragraph (4) and, if he has communicated to the European Commission under paragraph (5) above, he shall make a further communication accordingly.

Proceedings in other Member States and Co-operation with Community qualified entities

5.—(1) The Director and any public UK qualified entity shall have all necessary powers—

- (a) to enable them to bring proceedings under the provisions corresponding to these Regulations in any other Member State;
- (b) to bring proceedings in the United Kingdom on behalf of any Community qualified entity.

(2) Without prejudice to the generality of paragraph (1) above, the Director, any public UK qualified entity and any organisation in relation to which a communication has been made under regulation 4(5) above may enter into arrangements to share information with each other and with any Community qualified entity (whether or not he or it would otherwise be entitled to disclose it) and generally to co-operate with any such entity for the purpose of bringing proceedings under these Regulations or the provisions corresponding to them in any other Member State.

Advice and information

6.—(1) As soon as is reasonably practicable after the making of these Regulations, the Director must prepare and publish advice and information with a view to—

- (a) explaining the provisions of these Regulations to persons who are likely to be affected by them; and
- (b) indicating how the Director expects such provisions to operate.

(2) The Director may at any time publish revised, or new, advice or information.

(3) Advice (or information) published by virtue of paragraph (1)(b) may include advice (or information) about the factors which the Director may take into account in considering whether, and if so how, to exercise the powers conferred on him by these Regulations.

(4) Any advice or information published by the Director under this regulation is to be published in such form and in such manner as he considers appropriate.

(5) If the Director is preparing any advice or information under this regulation he must consult such persons as he considers representative of persons affected by these Regulations.

(6) If the proposed advice or information relates to a matter in respect of which a public UK or other UK qualified entity may act, those consulted must include that qualified entity.

Co-ordination

7.—(1) If more than one of the Director, any public or other UK qualified entity are contemplating bringing proceedings under these Regulations the Director may, in any particular case, direct which of these entities is to bring such proceedings or that only he may do so.

(2) Where the Director directs that only he may bring such proceedings he may take into account whether cessation of the infringement could be achieved by other means in deciding whether or not to bring proceedings.

Kim Howells,
Parliamentary Under-Secretary of State for
Consumers and Corporate Affairs,
Department of Trade and Industry

9th April 2001

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Changes and effects yet to be applied to :

- Sch. 1 words substituted by [S.I. 2002/236 reg. 18](#)
- Regulations revoked by [2002 c. 40 Sch. 26](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 11 inserted by [S.I. 2002/2013 reg. 16\(3\)](#)
- reg. 2(3)(k) inserted by [S.I. 2002/2013 reg. 16\(2\)](#)

Commencement Orders yet to be applied to the The Stop Now Orders (E.C. Directive) Regulations 2001

Commencement Orders bringing legislation that affects this Instrument into force:

- [S.I. 2003/766 art. 2Sch. commences \(2002 c. 40\)](#)
- [S.I. 2003/1397 art. 2\(1\)Sch. commences \(2002 c. 40\)](#)