
DRAFT STATUTORY INSTRUMENTS

2013 No.

**The Public Bodies (The Office of Fair Trading
Transfer of Consumer Advice Scheme Function and
Modification of Enforcement Functions) Order 2013**

Modification of enforcement functions

- 10.**—(1) The Unfair Terms in Consumer Contracts Regulations 1999⁽¹⁾ are amended as follows.
- (2) In regulation 3 (Interpretation)—
- (a) before the definition of “consumer” insert—
- ““complaint” means a complaint that any contract term drawn up for general use is unfair;”;
- (b) after the definition of “court” insert—
- ““DETINI” means the Department of Enterprise, Trade and Investment in Northern Ireland;”;
- (c) after the definition of “EEA Agreement” insert—
- ““a local weights and measures authority” means a local weights and measures authority in Great Britain (within the meaning of section 69 of the Weights and Measures Act 1985)⁽²⁾;”.
- (3) For regulation 10 substitute—

“Complaints – consideration by OFT and qualifying bodies

- 10.**—(1) The following bodies may consider complaints—
- (a) the OFT;
- (b) a qualifying body.
- (2) Where the OFT agrees to consider a complaint, it shall be under a duty to consider that complaint.
- (3) Where a qualifying body agrees to consider a complaint, it shall—
- (a) be under a duty to consider that complaint; and
- (b) notify the OFT of its agreement to consider that complaint.
- (4) The OFT, or as the case may be, a qualifying body shall give reasons for its decision to apply or not to apply for an injunction under regulation 12 in relation to any complaints which these Regulations require it to consider.
- (5) In deciding whether or not to apply for an injunction in respect of a term which the OFT or a qualifying body considers to be unfair, the OFT or the qualifying body may, if it

⁽¹⁾ [S.I. 1999/2083](#) to which there are a number of amendments, but they are not relevant to this Order.

⁽²⁾ [1985 c.72](#); section 69 was amended by paragraph 75 of Schedule 16 to the Local Government (Wales) Act [1994 \(c.19\)](#) and by paragraph 144 of Schedule 13 to the Local Government etc (Scotland) Act [1994 \(c.39\)](#).

considers it appropriate to do so, have regard to any undertakings given to it by or on behalf of any person as to the continued use of such a term in contracts concluded with consumers.

(4) Omit regulation 11 (Complaints – consideration by qualifying bodies).

(5) In regulation 13 (Powers of the OFT and qualifying bodies to obtain documents and information)—

- (a) in paragraph (1), after “The OFT” insert “, a local weights and measures authority or DETINI”;
- (b) in paragraphs (1)(a) and (2)(a) omit “that a contract term drawn up for general use is unfair”;
- (c) in paragraph (2), after “A qualifying body specified in Part One of Schedule 1”, insert “(other than a local weights and measures authority or DETINI),”.