
EXPLANATORY NOTE

(This note is not part of the Order)

Part 8 of the Enterprise Act 2002 enables persons and bodies which are general or designated enforcers to seek enforcement orders prohibiting domestic and Community infringements. Section 211(1) of the Act defines a domestic infringement as an act or omission done or made by a person in the course of a business which falls within section 211(2) and harms the collective interests of consumers in the United Kingdom.

Article 2 of this Order specifies acts or omissions which are contraventions of regulation 4 of the Consumer Protection (Payment Surcharges) Regulations 2012 as constituting domestic infringements for the purposes of section 211(2).

Article 3 of this Order amends regulation 7 of the Consumer Rights (Payment Surcharges) Regulations 2012 so that, if it considers it appropriate, an enforcement authority considering a complaint under that provision may have regard to any enforcement action taken under Part 8 of the Enterprise Act 2002. Those Regulations implement Article 19 of Directive 2011/83/EU of the European Parliament and of the Council on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council⁽¹⁾.

An impact assessment of the effect that the instrument will have on the costs of business, the voluntary sector and the public sector is available from the BIS website at www.bis.gov.uk, and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk. A copy has also been placed in the Libraries of both Houses of Parliament.

(1) OJ L 304, 22.11.2011, p. 64.