



Enterprise Act 2002

2002 CHAPTER 40

PART 8

ENFORCEMENT OF CERTAIN CONSUMER LEGISLATION

Introduction

213 Enforcers

- (1) Each of the following is a general enforcer—
 - (a) the OFT;
 - (b) every local weights and measures authority in Great Britain;
 - (c) the Department of Enterprise, Trade and Investment in Northern Ireland.
- (2) A designated enforcer is any person or body (whether or not incorporated) which the Secretary of State—
 - (a) thinks has as one of its purposes the protection of the collective interests of consumers, and
 - (b) designates by order.
- (3) The Secretary of State may designate a public body only if he is satisfied that it is independent.
- (4) The Secretary of State may designate a person or body which is not a public body only if the person or body (as the case may be) satisfies such criteria as the Secretary of State specifies by order.
- (5) A Community enforcer is a qualified entity for the purposes of the Injunctions Directive—
 - (a) which is for the time being specified in the list published in the Official Journal of the European Communities in pursuance of Article 4.3 of that Directive, but
 - (b) which is not a general enforcer or a designated enforcer.
- (6) An order under this section may designate an enforcer in respect of—

Status: This is the original version (as it was originally enacted).

- (a) all infringements;
 - (b) infringements of such descriptions as are specified in the order.
- (7) An order under this section may make different provision for different purposes.
- (8) The designation of a body by virtue of subsection (3) is conclusive evidence for the purposes of any question arising under this Part that the body is a public body.
- (9) An order under this section must be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) If requested to do so by a designated enforcer which is designated in respect of one or more Community infringements the Secretary of State must notify the Commission of the European Communities—
- (a) of its name and purpose;
 - (b) of the Community infringements in respect of which it is designated.
- (11) The Secretary of State must also notify the Commission—
- (a) of the fact that a person or body in respect of which he has given notice under subsection (10) ceases to be a designated enforcer;
 - (b) of any change in the name or purpose of a designated enforcer in respect of which he has given such notice;
 - (c) of any change to the Community infringements in respect of which a designated enforcer is designated.