



Enterprise Act 2002

2002 CHAPTER 40

PART 8

ENFORCEMENT OF CERTAIN CONSUMER LEGISLATION

[^{F1}Enforcement procedure: supplementary]

[^{F1}219C Availability of enhanced consumer measures to private enforcers

- (1) An enforcement order made on the application of a designated enforcer which is not a public body may require a person to take enhanced consumer measures only if the following conditions are satisfied.
- (2) An undertaking given under section 217(9) following an application for an enforcement order made by a designated enforcer which is not a public body, or an undertaking given to such an enforcer under section 219, may include a further undertaking by a person to take enhanced consumer measures only if the following conditions are satisfied.
- (3) The first condition is that the enforcer is specified for the purposes of this section by order made by the Secretary of State.
- (4) The second condition is that the enhanced consumer measures do not directly benefit the enforcer or an associated undertaking.
- (5) Enhanced consumer measures which directly benefit an enforcer or an associated undertaking include, in particular, measures which—
 - (a) require a person to pay money to the enforcer or associated undertaking,
 - (b) require a person to participate in a scheme which is designed to recommend persons supplying or seeking to supply goods or services to consumers and which is administered by the the enforcer or associated undertaking, or
 - (c) would give the enforcer or associated undertaking a commercial advantage over any of its competitors.

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- (6) The Secretary of State may make an order under subsection (3) specifying an enforcer only if the Secretary of State is satisfied that to do so is likely to—
- (a) improve the availability to consumers of redress for infringements to which the enforcer's designation relates,
 - (b) improve the availability to consumers of information which enables them to choose more effectively between persons supplying or seeking to supply goods or services, or
 - (c) improve compliance with consumer law.
- (7) The Secretary of State may make an order under subsection (3) specifying an enforcer only if the functions of the enforcer under this Part have been specified under section 24 of the Legislative and Regulatory Reform Act 2006 (functions to which principles under section 21 and code of practice under section 22 apply), to the extent that they are capable of being so specified.
- (8) The power to make an order under subsection (3)—
- (a) is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament;
 - (b) includes power to make incidental, supplementary, consequential, transitional, transitory or saving provision.
- (9) Subsection (10) applies if—
- (a) an enforcer exercises a function in relation to a person by virtue of subsection (1) or (2),
 - (b) that function is a relevant function for the purposes of Part 2 (co-ordination of regulatory enforcement) of the Regulatory Enforcement and Sanctions Act 2008, and
 - (c) a primary authority (within the meaning of that Part) has given advice or guidance under section 27(1) of that Act—
 - (i) to that person in relation to that function, or
 - (ii) to other local authorities (within the meaning of that Part) with that function as to how they should exercise it in relation to that person.
- (10) The enforcer must, in exercising the function in relation to that person, act consistently with that advice or guidance.
- (11) In this section “associated undertaking”, in relation to a designated enforcer, means—
- (a) a parent undertaking or subsidiary undertaking of the enforcer, or
 - (b) a subsidiary undertaking of a parent undertaking of the enforcer,
- and for this purpose “parent undertaking” and “subsidiary undertaking” have the meanings given by section 1162 of the Companies Act 2006.]

Textual Amendments

- F1** Ss. 219A-219C inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 7 para. 8](#) (with s. 79(2)); [S.I. 2015/1630](#), art. 3(i)

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

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

- Pt. 3 Ch. 3A inserted by [2024 c. 13 Sch. 7 para. 2](#)
- s. 22(1A) inserted by [2024 c. 13 Sch. 5 para. 2\(2\)](#)
- s. 23(2)(c) and word inserted by [2024 c. 13 Sch. 4 para. 2\(3\)\(b\)](#)
- s. 23(2B) inserted by [2024 c. 13 Sch. 4 para. 2\(4\)](#)
- s. 23(4C)-(4G) inserted by [2024 c. 13 Sch. 4 para. 2\(5\)](#)
- s. 33(1A) inserted by [2024 c. 13 Sch. 5 para. 3\(2\)](#)
- s. 34ZA(1A) inserted by [2024 c. 13 Sch. 5 para. 4\(3\)](#)
- s. 34ZD-34ZF inserted by [2024 c. 13 Sch. 5 para. 7](#)
- s. 39(2A) inserted by [2024 c. 13 s. 131\(2\)\(a\)](#)
- s. 39(3A) inserted by [2024 c. 13 Sch. 5 para. 8\(3\)](#)
- s. 39(7A) inserted by [2024 c. 13 s. 131\(2\)\(c\)](#)
- s. 51(2A) inserted by [2024 c. 13 s. 132\(2\)\(a\)](#)
- s. 51(7A) inserted by [2024 c. 13 s. 132\(2\)\(c\)](#)
- s. 59(3E)(3F) inserted by [2024 c. 13 Sch. 4 para. 6\(3\)](#)
- s. 59(6A)(a)(b) substituted for words by [2024 c. 13 Sch. 4 para. 6\(5\)](#)
- s. 74(1A) inserted by [2024 c. 13 Sch. 6 para. 9\(3\)](#)
- s. 75(3A)(3B) substituted for s. 75(3) by [2024 c. 13 Sch. 6 para. 10\(4\)](#)
- s. 79(5A) inserted by [2024 c. 13 Sch. 6 para. 11\(3\)](#)
- s. 84A-84C and cross-heading inserted by S.I. 2019/93, reg. 48A (as inserted) by [S.I. 2019/1245 reg. 9](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 86(A1) inserted by S.I. 2019/93, reg. 48B(2) (as inserted) by [S.I. 2019/1245 reg. 9](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 89(A1) inserted by [2024 c. 13 Sch. 11 para. 9\(3\)](#)
- s. 89(3) inserted by [2024 c. 13 Sch. 11 para. 9\(4\)](#)
- s. 91(3)(ba) inserted by S.I. 2019/93, reg. 48E(2)(a) (as inserted) by [S.I. 2019/1245 reg. 9](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 92(A1) inserted by S.I. 2019/93, reg. 48F(2) (as inserted) by [S.I. 2019/1245 reg. 9](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 92A inserted by S.I. 2019/93, reg. 48G (as inserted) by [S.I. 2019/1245 reg. 9](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within

that time. It was not debated and approved within 28 days, so it has expired with no effect.)

- s. 94AA94AB substituted for s. 94A by [2024 c. 13 Sch. 11 para. 11](#)
- s. 107(1)(aaa) inserted by [2024 c. 13 Sch. 5 para. 14\(2\)\(b\)](#)
- s. 107(3)(ga)(gb) inserted by [2024 c. 13 Sch. 7 para. 4\(4\)\(a\)](#)
- s. 107(6)(a)(b) inserted by [2024 c. 13 Sch. 5 para. 14\(3\)](#)
- s. 107(12) inserted by [2024 c. 13 Sch. 7 para. 4\(4\)\(b\)](#)
- s. 109(A1)(c) inserted by S.I. 2019/93, reg. 50A(2) (as inserted) by [S.I. 2019/1245 reg. 10](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 109(8B)(8C) inserted by S.I. 2019/93, reg. 50A(4) (as inserted) by [S.I. 2019/1245 reg. 10](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 110(1)-(1C) substituted for s. 110(1) by [2024 c. 13 Sch. 10 para. 15\(3\)](#)
- s. 110A(3A) inserted by S.I. 2019/93, reg. 50C(3) (as inserted) by [S.I. 2019/1245 reg. 10](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 110A(8A) inserted by [2024 c. 13 Sch. 7 para. 4\(6\)](#)
- s. 110A(10)(11) inserted by [2024 c. 13 Sch. 28 para. 2](#)
- s. 111(4A) inserted by [2024 c. 13 Sch. 10 para. 17\(7\)](#)
- s. 111(5)(b)(iii) inserted by [2024 c. 13 Sch. 28 para. 3\(d\)](#)
- s. 111(7A) inserted by [2024 c. 13 Sch. 10 para. 17\(10\)](#)
- s. 111(9)-(11) inserted by [2024 c. 13 Sch. 10 para. 17\(12\)](#)
- s. 112(A1)-(A3) inserted by [2024 c. 13 Sch. 10 para. 18\(2\)](#)
- s. 112(3A) inserted by [2024 c. 13 Sch. 10 para. 18\(6\)](#)
- s. 114(5A) inserted by [2024 c. 13 Sch. 10 para. 20\(5\)](#)
- s. 114(12)(a) words in s. 114(12) renumbered as s. 114(12)(a) by [2024 c. 13 Sch. 10 para. 20\(7\)\(a\)](#)
- s. 114(12)(b) inserted by [2024 c. 13 Sch. 10 para. 20\(7\)\(b\)](#)
- s. 116(5) inserted by [2024 c. 13 Sch. 10 para. 22\(5\)](#)
- s. 116A inserted by [2024 c. 13 Sch. 10 para. 23](#)
- s. 117(2A) inserted by [2024 c. 13 Sch. 10 para. 24\(4\)](#)
- s. 118(1)(c) and word inserted by [2024 c. 13 Sch. 7 para. 4\(7\)\(b\)](#)
- s. 120(1A)(c) inserted by [2024 c. 13 Sch. 28 para. 4\(2\)](#)
- s. 120(1A)(aa) inserted by [2024 c. 13 Sch. 7 para. 4\(8\)](#)
- s. 120(2)(b)(i) words in s. 120(2)(b) renumbered as s. 120(2)(b)(i) by [2024 c. 13 Sch. 28 para. 4\(3\)\(a\)](#)
- s. 120(2)(b)(i) words in s. 120(2)(b) renumbered as s. 120(2)(b)(i) by S.I. 2019/93, reg. 51A(4)(a) (as inserted) by [S.I. 2019/1245 reg. 11](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 120(2)(b)(ii) inserted by [2024 c. 13 Sch. 28 para. 4\(3\)\(b\)](#)
- s. 120(2)(b)(ii) and word inserted by S.I. 2019/93, reg. 51A(4)(b) (as inserted) by [S.I. 2019/1245 reg. 11](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated

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- s. 123(2)(c) inserted by 2024 c. 13 Sch. 4 para. 9(3)
- s. 123(3A) inserted by 2024 c. 13 Sch. 4 para. 9(4)
- s. 124(5A) inserted by 2024 c. 13 Sch. 14 para. 2(4)
- s. 124(6A) inserted by 2024 c. 13 Sch. 7 para. 4(9)(c)
- s. 124(6A)(6B) substituted for s. 124(6A) by 2024 c. 13 Sch. 14 para. 2(6)
- s. 124(11)(12) inserted by 2024 c. 13 Sch. 14 para. 2(7)
- s. 127(1)(ab) inserted by 2024 c. 13 Sch. 7 para. 4(10)(b)
- s. 131B(8)(9) inserted by 2024 c. 13 s. 135(4)
- s. 133(1A)(1B) inserted by 2024 c. 13 s. 136(2)(a)
- s. 133A(1)(aa) inserted by 2024 c. 13 Sch. 9 para. 2(2)(b)
- s. 133A(1)(ba) inserted by 2024 c. 13 Sch. 8 para. 3(2)
- s. 133A(1)(fa) inserted by 2024 c. 13 Sch. 9 para. 2(2)(c)
- s. 133A(2)(ca) inserted by 2024 c. 13 Sch. 9 para. 2(3)
- s. 133A(2)(za) inserted by 2024 c. 13 Sch. 8 para. 3(3)
- s. 134(2B) inserted by 2024 c. 13 s. 136(3)(c)
- s. 136(2)(aa) inserted by 2024 c. 13 Sch. 8 para. 4
- s. 138A(A1)-(A3) inserted by 2024 c. 13 Sch. 9 para. 3(2)
- s. 151(7) inserted by 2024 c. 13 s. 146(6)(d)
- s. 154A and cross-heading substituted for s. 154 and cross-heading by 2024 c. 13 Sch. 8 para. 8
- s. 155(3A) substituted for s. 155(3) by 2024 c. 13 Sch. 8 para. 9(3)
- s. 156(1)(ab) inserted by 2024 c. 13 Sch. 8 para. 10(4)(c)
- s. 156(4)-(7) inserted by 2024 c. 13 Sch. 8 para. 10(6)
- s. 161A inserted by 2024 c. 13 Sch. 11 para. 16
- s. 161B-161E and cross-heading inserted by 2024 c. 13 Sch. 9 para. 4
- s. 162A inserted by 2024 c. 13 s. 139(4)
- s. 162B inserted by 2024 c. 13 Sch. 9 para. 5
- s. 167(1)(a) words in s. 167(1) renumbered as s. 167(1)(a) by 2024 c. 13 Sch. 9 para. 7(2)(a)
- s. 167(1)(b) inserted by 2024 c. 13 Sch. 9 para. 7(2)(b)
- s. 167(10) inserted by 2024 c. 13 Sch. 11 para. 17
- s. 167A-167C inserted by 2024 c. 13 Sch. 11 para. 18
- s. 167A heading word inserted by 2024 c. 13 Sch. 9 para. 8(2)
- s. 167A(1)(a) words in s. 167A(1) renumbered as s. 167A(1)(a) by 2024 c. 13 Sch. 9 para. 8(3)(a)
- s. 167A(1)(b) inserted by 2024 c. 13 Sch. 9 para. 8(3)(b)
- s. 167B(5)(b)(i) words in s. 167B(5)(b) renumbered as s. 167B(5)(b)(i) by 2024 c. 13 Sch. 9 para. 9(2)
- s. 167B(5)(b)(ii) and word inserted by 2024 c. 13 Sch. 9 para. 9(3)
- s. 172(2)(h) and word inserted by 2024 c. 13 s. 139(7)(a)(ii)
- s. 172(2)(zc) inserted by 2024 c. 13 Sch. 9 para. 11
- s. 172(11) inserted by 2024 c. 13 s. 139(7)(b)
- s. 174A(1)-(1C) substituted for s. 174A(1) by 2024 c. 13 Sch. 10 para. 27(3)
- s. 174A(10) inserted by 2024 c. 13 Sch. 10 para. 27(7)
- s. 174D(4A) inserted by 2024 c. 13 Sch. 10 para. 29(7)
- s. 174D(6A) inserted by 2024 c. 13 Sch. 10 para. 29(9)
- s. 174D(11)-(13) inserted by 2024 c. 13 Sch. 10 para. 29(13)
- s. 174E(5) inserted by 2024 c. 13 Sch. 10 para. 30(5)
- s. 174ZA inserted by 2024 c. 13 Sch. 13 para. 17
- s. 177(1)(a) words in s. 177(1) renumbered as s. 177(1)(a) by 2024 c. 13 s. 139(8)(b)(i)
- s. 177(1)(b) inserted by 2024 c. 13 s. 139(8)(b)(ii)
- s. 180(1A)(1B) substituted for s. 180(2) by 2024 c. 13 Sch. 10 para. 32(3)
- s. 181(4A) inserted by 2024 c. 13 Sch. 14 para. 3(6)
- s. 181(5A)(5B) inserted by 2024 c. 13 Sch. 14 para. 3(8)
- s. 181(11)(12) inserted by 2024 c. 13 Sch. 14 para. 3(10)

- s. 183(3)(a)(iiia) inserted by [2024 c. 13 Sch. 8 para. 16\(b\)](#)
- s. 194(2)(e)-(g) inserted by [2024 c. 13 s. 141\(3\)\(b\)](#)
- s. 196(2A) inserted by [2024 c. 13 s. 141\(4\)](#)
- s. 243A-243F substituted for s. 243 by [2024 c. 13 s. 326\(2\)](#)
- s. 243E(2A) inserted by [2024 c. 13 Sch. 28 para. 5](#)
- s. 246A substituted for s. 246 by [2024 c. 13 s. 326\(5\)](#)
- Sch. 4 para. 21B inserted by [2024 c. 13 Sch. 3 para. 9](#)
- Sch. 5A para. 7A inserted by [2024 c. 13 Sch. 5 para. 10\(4\)](#)
- Sch. 5A para. 1A inserted by [2024 c. 13 Sch. 6 para. 12\(2\)](#)
- Sch. 5A para. 55A substituted for Sch. 5A para. 5 by [2024 c. 13 Sch. 5 para. 10\(3\)](#)
- Sch. 5A para. 1(2)(a)(b) substituted for words by [2024 c. 13 Sch. 5 para. 10\(3\)](#)
- Sch. 6A inserted by [2024 c. 13 Sch. 7 para. 3](#)
- Sch. 6B inserted by [2024 c. 13 Sch. 7 para. 3](#)
- Sch. 8 para. 20A(1A) inserted by [2024 c. 13 Sch. 7 para. 4\(13\)](#)
- Sch. 10 para. 6(aa) inserted by S.I. 2019/93, reg. 59A(12)(b) (as inserted) by [S.I. 2019/1245 reg. 13](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 10 para. 1(aa) inserted by S.I. 2019/93, reg. 59A(4)(b) (as inserted) by [S.I. 2019/1245 reg. 13](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 10 para. 1A inserted by S.I. 2019/93, reg. 59A(5) (as inserted) by [S.I. 2019/1245 reg. 13](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)