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Changes to legislation: Consumer Rights Act 2015, Cross Heading: Exercise of powers in this Part: Schedule 13 enforcers is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 5

INVESTIGATORY POWERS ETC.

Modifications etc. (not altering text)

- C1** Sch. 5 applied (with modifications) (8.12.2016) by [The Electromagnetic Compatibility Regulations 2016 \(S.I. 2016/1091\)](#), reg. 1, **Sch. 7 para. 3** (with regs. 74, 75(5))
- C1** Sch. 5 applied (with modifications) (26.12.2017) by [The Radio Equipment Regulations 2017 \(S.I. 2017/1206\)](#), reg. 1, **Sch. 10 para. 3** (with regs. 3-5, 77)

PART 4

FURTHER POWERS EXERCISABLE BY DOMESTIC ENFORCERS AND [F1SCHEDULE 13 ENFORCERS]

Textual Amendments

- F1** Words in Sch. 5 Pt. 4 heading substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **4(7)** (with reg. 9) (as amended by S.I. 2020/1347, regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)

Exercise of powers in this Part: [F1Schedule 13 enforcers]

Textual Amendments

- F1** Words in Sch. 5 para. 20 cross-heading substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **4(8)** (with reg. 9) (as amended by S.I. 2020/1347, regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)

- 20 (1) Any power in this Part of this Schedule which is conferred on [F2a Schedule 13 enforcer] may be exercised by such an enforcer only for the purposes and in the circumstances mentioned in this paragraph in relation to that power.
- (2) If the condition in sub-paragraph (3) is met, [F3a Schedule 13 enforcer] may exercise any power conferred on it by [F4paragraphs 22 to 25] and 31 to 34 for any purpose relating to the functions that the enforcer has under Part 8 of the Enterprise Act 2002 in its capacity as a [F5Schedule 13 enforcer] under that Part.
- (3) The condition is that an officer of the [F6Schedule 13 enforcer] reasonably suspects—
- (a) that there has been, or is likely to be, a [F7Schedule 13 infringement],

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- (b) a failure to comply with [^{F8}an enforcement order, an interim enforcement order, an online interface order or an interim online interface order] made on the application of that enforcer,
- (c) a failure to comply with an undertaking given under section 217(9) or 218(10) of the Enterprise Act 2002 following such an application, or
- (d) a failure to comply with an undertaking given to that enforcer under section 219 of that Act.

[^{F9}(3A) [^{F10}A Schedule 13 enforcer] may exercise the power in paragraph 21 (power to purchase products) for either of the following purposes—

- (a) the purpose mentioned in sub-paragraph (2), if the condition in sub-paragraph (3) is met, or
- (b) to obtain a product for use as evidence in proceedings under Part 8 of the Enterprise Act 2002.]

(4) [^{F11}A Schedule 13 enforcer] may exercise the power in paragraph 27 (power to require the production of documents) for either of the following purposes—

- (a) the purpose mentioned in sub-paragraph (2), if the condition in sub-paragraph (3) is met;
- (b) to ascertain whether the documents may be required as evidence in proceedings under Part 8 of the Enterprise Act 2002.

(5) [^{F12}A Schedule 13 enforcer] may exercise the power in paragraph 28 (power to seize and detain goods) in relation to goods which an officer of the enforcer reasonably suspects—

- (a) may disclose (by means of testing or otherwise) a [^{F13}Schedule 13 infringement] or a failure to comply with a measure specified in sub-paragraph (3)(b), (c) or (d), or
- (b) may be required as evidence in proceedings under Part 8 of the Enterprise Act 2002.

(6) [^{F14}A Schedule 13 enforcer] may exercise the power in paragraph 29 (power to seize documents required as evidence) in relation to documents which an officer of the enforcer reasonably suspects may be required as evidence in proceedings under Part 8 of the Enterprise Act 2002.

Textual Amendments

- F2** Words in Sch. 5 para. 20(1) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **4(9)(a)** (with reg. 9) (as amended by [S.I. 2020/1347](#), regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Sch. 5 para. 20(2) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **4(9)(b)(i)** (with reg. 9) (as amended by [S.I. 2020/1347](#), regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Sch. 5 para. 20(2) substituted (2.6.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **3(5)(a)** (with reg. 8)
- F5** Words in Sch. 5 para. 20(2) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **4(9)(b)(ii)** (with reg. 9) (as amended by [S.I. 2020/1347](#), regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)

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- F6** Words in Sch. 5 para. 20(3) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **4(9)(c)** (with reg. 9) (as amended by S.I. 2020/1347, regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Sch. 5 para. 20(3)(a) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **4(9)(d)** (with reg. 9) (as amended by S.I. 2020/1347, regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Sch. 5 para. 20(3)(b) substituted (2.6.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **3(5)(b)** (with reg. 8)
- F9** Sch. 5 para. 20(3A) inserted (2.6.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **3(5)(c)** (with reg. 8)
- F10** Words in Sch. 5 para. 20(3A) substituted by S.I. 2019/203, reg. 4(9)(da) (as inserted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1347\)](#), regs. 1(3), **3(4)(b)**)
- F11** Words in Sch. 5 para. 20(4) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **4(9)(e)** (with reg. 9) (as amended by S.I. 2020/1347, regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Sch. 5 para. 20(5) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **4(9)(e)** (with reg. 9) (as amended by S.I. 2020/1347, regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Sch. 5 para. 20(5)(a) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **4(9)(f)** (with reg. 9) (as amended by S.I. 2020/1347, regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Sch. 5 para. 20(6) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **4(9)(g)** (with reg. 9) (as amended by S.I. 2020/1347, regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** Sch. 5 para. 20 in force at 27.5.2015 for specified purposes for E. by S.I. 2015/965, **art. 2(b)**
- I2** Sch. 5 para. 20 in force at 27.5.2015 for specified purposes by S.I. 2015/1333, **art. 2(a)**
- I3** Sch. 5 para. 20 in force at 1.10.2015 in so far as not already in force by S.I. 2015/1630, **art. 3(h)** (with art. 8)

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