
STATUTORY INSTRUMENTS

2003 No. 1374

CONSUMER PROTECTION

The Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003

<i>Made</i>	- - - -	<i>23rd May 2003</i>
<i>Laid before Parliament</i>		<i>27th May 2003</i>
<i>Coming into force</i>	- -	<i>20th June 2003</i>

The Secretary of State, in exercise of the powers conferred on her by section 210(9) and (10) and 212(3) and (6) of the Enterprise Act 2002 ^{M1} hereby makes the following Order:

Marginal Citations

M1 2002 c. 40.

Citation and commencement

1. This Order may be cited as the Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003 and shall come into force on 20th June 2003.

Listed Directives^{F1}, Regulations] and Specified Laws

2. Schedule 13 to the Enterprise Act 2002 (“the Act”) is amended by substituting “ Articles 86 to 100 ” for “Articles 86 to 99” in entry 11 relating to Directive [2001/83/EC](#)^{M2} (the Community code relating to medicinal products for human use).

Textual Amendments

F1 Word in [art. 2](#) heading inserted (9.1.2016) by [The Alternative Dispute Resolution for Consumer Disputes \(Amendment\) Regulations 2015 \(S.I. 2015/1392\)](#), regs. 1(2), **9(2)**

Marginal Citations

M2 OJ L 311, 28.11.2001, p. 67.

Status: Point in time view as at 09/01/2016.

Changes to legislation: There are currently no known outstanding effects for the The Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003. (See end of Document for details)

3. The laws set out in the Schedule to this Order are hereby specified for the purposes of section 212(3) of the Act to the extent that they give effect to the listed Directives^{F2}, listed Regulations] or provide additional permitted protections.

Textual Amendments

F2 Words in art. 3 inserted (9.1.2016) by [The Alternative Dispute Resolution for Consumer Disputes \(Amendment\) Regulations 2015 \(S.I. 2015/1392\)](#), regs. 1(2), **9(3)**

Brian Wilson,
Minister of State for Energy and Construction,
Department of Trade and Industry

SCHEDULE

Article 3

Listed Directives [^{F3} and Regulations]

Textual Amendments

F3 Words in Sch. title inserted (9.1.2016) by [The Alternative Dispute Resolution for Consumer Disputes \(Amendment\) Regulations 2015 \(S.I. 2015/1392\)](#), regs. 1(2), **9(4)(a)**

Directives [^{F4} and Regulations]

Specified UK laws

F5

F5

...

...

Council Directive [85/577/EEC](#) of 20th December 1985 to protect the consumer in respect of contracts negotiated away from business premises

[^{F6}Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008]

M3

F7

F7

...

...

Council Directive [90/314/EEC](#) of 13th June 1990 on package travel, package holidays and package tours

Package Travel, Package Holidays and Package Tours Regulations 1992

M4

M5

Council Directive [93/13/EEC](#) of 5th April 1993 on unfair terms in consumer contracts

Unfair Terms in Consumer Contracts Regulations 1999

M6

M7

[^{F8}Sections 2, 61 to 64, 67 to 70, 72 to 74 of, and Schedules 2 and 3, and Part 3 of Schedule 5 to, the Consumer Rights Act 2015]

F9

F9

...

...

Directive [97/7/EC](#) of the European Parliament and of the Council of 20th May 1997 on the protection of consumers in respect of distance contracts (except article 10)

Consumer Protection (Distance Selling) Regulations 2000

M8

M9

Article 10 of the above Directive

[^{F10}Regulations 19 to 24 of the Privacy and Electronic Communications (EC Directive) Regulations 2003 in their application to consumers (use of telecommunications services for direct marketing purposes)]

Directive [1999/44/EC](#) of the European Parliament and of the Council of 25th May 1999 on certain aspects of the sale of consumer goods and associated guarantees

(i) Sections 9 to 11 of the Supply of Goods (Implied Terms) Act 1973 ^{M11}, sections 13 to 15 and 15B of the Sale of Goods Act 1979 ^{M12}, sections 3 to 5, 11C to 11E and 13 of the Supply of Goods and Services

M10

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Act 1982 ^{M13}, and any rule of law in Scotland which provides comparable protection to section 13 of the Supply of Goods and Services Act 1982 (implied terms as to quality and fitness);

(ii) Sections 20 and 32 of the Sale of Goods Act 1979 ^{M14} (passing of risk and delivery of goods);

(iii) Sections 48A to 48F of the Sale of Goods Act 1979 ^{M15}, and sections 11M, 11N and 11P to 11S of the Supply of Goods and Services Act 1982 ^{M16} (additional remedies for consumers);

(iv) Regulation 15 of the Sale and Supply of Goods to Consumers Regulations 2002 ^{M17F11} ...;

(v) Sections 6(2), 7(1), 7(2), 20(2), 21 and 27(2) of the Unfair Contract Terms Act 1977 ^{M18} and article 3 of the Consumer Transactions (Restrictions on Statements) Order 1976 (anti-avoidance measures)

[^{F12}(vi) Sections 2, 3, 9 to 11, 13 to 15, 19, 23, 24, 30 to 32, 58 and 59 of the Consumer Rights Act 2015]

Directive [2000/31/EC](#) of the European Parliament and of the Council of 8th June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the internal market (“Directive on electronic commerce”)
^{M19}

Regulations 6, 7, 8, 9 and 11 of the Electronic Commerce (EC Directive) Regulations 2002 ^{M20}
(requirements as to information and orders)

[^{F13}Directive [2002/65/EC](#) of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive [90/619/EEC](#) and Directives [97/7/EC](#) and [98/27/EC](#).

Financial Services (Distance Marketing) Regulations 2004; rules corresponding to any provisions of those Regulations made by the [^{F14}Financial Conduct Authority] or a designated professional body within the meaning of section 326(2) of the Financial Services and Markets Act 2000.]

[^{F15}Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market

Consumer Protection from Unfair Trading Regulations 2008]

[^{F16}Directive [2008/48/EC](#) of the European Parliament and of the Council on credit agreements for consumers and repealing Council Directive [87/102/EEC](#)

Consumer Credit Act 1974 and secondary legislation made thereunder (not including consumer hire agreements)]

[^{F17}Directive 2008/122/EC of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010]

Textual Amendments

- F4** Words in Sch. heading inserted (9.1.2016) by [The Alternative Dispute Resolution for Consumer Disputes \(Amendment\) Regulations 2015 \(S.I. 2015/1392\)](#), regs. 1(2), **9(4)(b)**
- F5** Words in Sch. omitted (26.5.2008) by virtue of [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 1, Sch. 2 para. 100(2)(a), **Sch. 4 Pt. 2** (with reg. 28(2)(3), Sch. 3 para. 13)
- F6** Words in Sch. substituted (1.10.2008) by [The Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008 \(S.I. 2008/1816\)](#), reg. 1, **Sch. 1 para. 2** (with reg. 4(3))
- F7** Words in Sch. omitted (with application in accordance with regs. 100, 101 of the amending S.I.) by virtue of [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), **regs. 69(a)**, 99(1)
- F8** Words in Schedule inserted (1.10.2015) by [The Enterprise Act 2002 \(Part 8 Community Infringements and Specified UK Laws\) \(Amendment\) Order 2015 \(S.I. 2015/1628\)](#), **art. 2(2)(a)**
- F9** Words in Sch. omitted (23.2.2011) by virtue of [The Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 \(S.I. 2010/2960\)](#), reg. 1(2), **Sch. 6 para. 9(a)**, Sch. 8 Pt. 2 (with Sch. 7 paras. 14)
- F10** Words in Sch. substituted (30.9.2005) by [The Enterprise Act 2002 \(Part 8 Community Infringements Specified UK Laws\) \(Amendment\) Order 2005 \(S.I. 2005/2418\)](#), arts. 1, 2
- F11** Words in Sch. omitted (26.5.2008) by virtue of [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 1, Sch. 2 para. 100(2)(b), **Sch. 4 Pt. 2** (with reg. 28(2)(3), Sch. 3 para. 13)
- F12** Words in Schedule inserted (1.10.2015) by [The Enterprise Act 2002 \(Part 8 Community Infringements and Specified UK Laws\) \(Amendment\) Order 2015 \(S.I. 2015/1628\)](#), **art. 2(2)(b)**
- F13** Words in Sch. inserted (31.10.2004) by [The Financial Services \(Distance Marketing\) Regulations 2004 \(S.I. 2004/2095\)](#), regs. 1, 27
- F14** Words in Sch. substituted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), **Sch. 2 para. 84**
- F15** Words in Sch. inserted (26.5.2008) by [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 1, **Sch. 2 para. 100(2)(c)** (with reg. 28(2)(3), Sch. 3 para. 13)
- F16** Words in Sch. inserted (with application in accordance with regs. 100, 101 of the amending S.I.) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), **regs. 69(b)**, 99(1)
- F17** Words in Sch. inserted (23.2.2011) by [The Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 \(S.I. 2010/2960\)](#), reg. 1(2), **Sch. 6 para. 9(b)** (with Sch. 7 para. 4)

Marginal Citations

- M3** OJ L 372, 31.12.85, p. 31.
- M4** OJ L 158, 23.6.90, p. 59.
- M5** [S.I. 1992/3288](#).
- M6** OJ L 95, 21.4.93, p. 29.
- M7** [S.I. 1999/2083](#).
- M8** OJ L 144, 4.6.97, p. 19.
- M9** [S.I. 2000/2334](#).
- M10** OJ L 171, 7.7.99, p. 12.
- M11** 1973 c. 13; sections 9–11 amended by Schedule 4 paragraph 35 of the [Consumer Credit Act 1974 \(c. 39\)](#) and Schedule 2 paragraphs 4(3)(a) and (b), 4(4)(a)–(c) and 4(5)(a)–(d) of the [Sale and Supply of Goods](#)

Status: Point in time view as at 09/01/2016.

Changes to legislation: There are currently no known outstanding effects for the The Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003. (See end of Document for details)

Act 1994 (c. 35); section 10 amended by regulation 13 of the Sale and Supply of Goods to Consumers Regulations 2002, S.I. 2002/3045.

M12 1979 c. 54; sections 13–15 amended by sections 1(1) and 1(2), Schedule 2 paragraphs 5(4)(a) and (b), 5(5)(a) and (b), and 5(6)(a) and (b), and Schedule 3 of the Sale and Supply of Goods Act 1994; section 14 amended by regulation 3 of the Sale and Supply of Goods to Consumers Regulations 2002; section 15B inserted by section 5(1) of the Sale and Supply of Goods Act 1994.

M13 1982 c. 29; sections 4 and 5 amended by Schedule 2 paragraphs 6(3), 6(4)(a) and 6(4)(b), and Schedule 3 of the Sale and Supply of Goods Act 1994; section 4 amended by regulation 7 of the Sale and Supply of Goods to Consumers Regulations 2002; sections 11C–E inserted by Schedule 1 paragraph 1 of the Sale and Supply of Goods Act 1994; section 11D amended by regulation 8 of the Sale and Supply of Goods to Consumers Regulations 2002.

M14 Sections 20 and 32 amended by regulation 4 of the Sale and Supply of Goods to Consumers Regulations 2002.

M15 Sections 48A–F inserted by regulation 5 of the Sale and Supply of Goods to Consumers Regulations 2002.

M16 Sections 11M–S inserted by regulation 9 of the Sale and Supply of Goods to Consumers Regulations 2002.

M17 S.I. 2002/3045.

M18 1977 c. 50; section 6(2) amended by section 63 and Schedule 2 paragraph 19 of the Sale of Goods Act 1979; section 20(2) amended by sections 62 and 63, and Schedule 2 paragraph 21 of the Sale of Goods Act 1979.

M19 OJ L 178, 17.7.2000, p. 1.

M20 S.I. 2002/2013.

<i>Provisions of Directives ^[F4] and Regulations]</i>	<i>Specified UK laws</i>
Articles 10 to 21 of Council Directive 89/552/EEC of 3rd October 1989 on the co-ordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities M21	The provisions of the Broadcasting Acts 1990 M23 and 1996 M24 , and codes and rules made by the Independent Television Commission thereunder M25
as amended by Directive 97/36/EC M22	, in particular sections 6(1) (in relation to advertising), 8, 9, 60 and 79(4) of the Broadcasting Act 1990 (regulations as to advertising) and sections 18(5), 25(5) and 30(5) of the Broadcasting Act 1996, in so far as they apply sections 6 to 12 of the Broadcasting Act 1990 to digital programme services, digital additional services and qualifying teletext services
Articles 86 to 100 of Directive 2001/83/EC of the European Parliament and of the Council of 6th November 2001 on the Community code relating to medicinal products for human use M26	^[F18] Chapters 1 and 2 of Part 14 (advertising) of the Human Medicines Regulations 2012]
^[F19] Article 13 of Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in	Regulations 19 to 26 and 30 and 32 of the Privacy and Electronic Communications (EC Directive) Regulations 2003]

the electronic communications sector (Directive on privacy and electronic communications)

[^{F20}Article 13 of Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) 2006/2004 and Directive 2009/22/EC

Regulation 19(1) and (2) of the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015

Article 14 of Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) 2006/2004 and Directive 2009/22/EC

Regulation 19A(1) to (4) of the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015]

Textual Amendments

- F18** Words in Sch. substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), **Sch. 34 para. 79** (with Sch. 32)
- F19** Words in Sch. inserted (26.5.2011) by [The Privacy and Electronic Communications \(EC Directive\) \(Amendment\) Regulations 2011 \(S.I. 2011/1208\)](#), regs. 1(1), **17**
- F20** Words in Sch. inserted (9.1.2016) by [The Alternative Dispute Resolution for Consumer Disputes \(Amendment\) Regulations 2015 \(S.I. 2015/1392\)](#), regs. 1(2), **9(4)(c)**

Marginal Citations

- M21** OJ 298, 17.10.89, p. 23.
- M22** OJ 202, 30.7.97, p. 60.
- M23** 1990 c. 42.
- M24** 1996 c. 55; section 25(5) amended by regulation 2 and paragraph 11 of the Schedule to [S.I. 1998/3196](#).
- M25** Codes and rules made by the Independent Television Commission can be obtained by writing to them at 33 Foley Street, London W1W 7TL and from their website (<http://www.itc.org.uk>).
- M26** OJ L 311, 28.11.2000, p. 67.

EXPLANATORY NOTE

(This note is not part of the Order)

Part 8 of the Enterprise Act 2002 (“the Act”) implements Directive [98/27/EC](#) of the European Parliament and of the Council of 19th May 1998 on injunctions for the protection of consumers' interests (OJ L 166, 11.6.98, p. 51). It enables persons and bodies which are general or designated enforcers to seek enforcement orders prohibiting domestic and Community infringements which harm the collective interests of consumers. Part 8 also enables Community enforcers to seek enforcement orders prohibiting Community infringements. This Order specifies the laws in the United Kingdom which give effect to the EC Directives, and provisions of Directives, listed in Schedule 13 of the Act (as amended by Article 2 of this Order) together with additional protections permitted under them in respect of which acts or omissions may constitute Community infringements.

Status: Point in time view as at 09/01/2016.

Changes to legislation: There are currently no known outstanding effects for the The Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003. (See end of Document for details)

The specified UK laws are specified to the extent that they give effect to the listed Directives (or provisions of Directives) or provide additional permitted protection. Additional permitted protections are protections which are in addition to the minimum required by the Directive concerned and which are permitted by that Directive. The Order expressly excludes provisions of the specified UK laws that do not give effect to the listed Directive or provide additional permitted protection (eg Article 4A of the Control of Misleading Advertisements Regulations 1988 and the application of the Consumer Credit Act 1974 to consumer hire agreements). Schedule 13 is amended to include Article 100 of Directive [2001/83/EC](#) (OJ L 311, 28.11.01, p. 67) (the Community code relating to medicinal products for human use).

Status:

Point in time view as at 09/01/2016.

Changes to legislation:

There are currently no known outstanding effects for the The Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003.