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STATUTORY INSTRUMENTS

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**2014 No. 2908**

**CONSUMER PROTECTION**

**The Enterprise Act 2002 (Part 8 EU Infringements) Order 2014**

*Made* - - - - *3rd November 2014*  
*Laid before Parliament* *5th November 2014*  
*Coming into force* - - *27th November 2014*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 210(9) and 212(3) of the Enterprise Act 2002 <sup>M1</sup>.

**Marginal Citations**

**M1** [2002 c.40](#).

**Citation and commencement**

1. This Order may be cited as the Enterprise Act 2002 (Part 8 EU Infringements) Order 2014 and comes into force on 27th November 2014.

**Revocation of the Enterprise Act 2002 (Part 8 EU Infringements) Order 2013**

2. The Enterprise Act 2002 (Part 8 EU Infringements) Order 2013 <sup>M2</sup> is revoked.

**Marginal Citations**

**M2** [S.I. 2013/3168](#).

**Listed Directive and Specified Law**

3. In Schedule 13 to the Enterprise Act 2002 (listed Directives and Regulations), after paragraph 9E insert—

“**9F.** Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 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.”

**Status:** Point in time view as at 13/01/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Enterprise Act 2002 (Part 8 EU Infringements) Order 2014. (See end of Document for details)

4. The law set out in the Schedule to this Order is specified for the purposes of section 212 of the Enterprise Act 2002 to the extent that it gives effect to [F1a Directive, or provisions of a Directive, listed in the Schedule] or provides additional permitted protections.

**Textual Amendments**

**F1** Words in art. 4 substituted (13.1.2018) by [The Payment Services Regulations 2017 \(S.I. 2017/752\)](#), reg. 1(6), [Sch. 8 para. 20\(a\)](#) (with reg. 3)

Department for Business, Innovation and Skills

*Jo Swinson*  
Parliamentary Under Secretary of State for  
Employment Relations and Consumer Affairs

## SCHEDULE

Article 4

LISTED [<sup>F2</sup>DIRECTIVES]**Textual Amendments**

- F2** Word in [Sch. heading](#) substituted (13.1.2018) by [The Payment Services Regulations 2017 \(S.I. 2017/752\)](#), reg. 1(6), [Sch. 8 para. 20\(b\)\(i\)](#) (with reg. 3)

**[<sup>F3</sup>Directives]****Specified UK Law**

Directive 2011/83/EU of the European Parliament and of the Council of 25th October 2011 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

M3

The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013

M4

Regulations 4, [<sup>F5</sup>6A, 6B,] 7, 8, 9 and 10 of the Consumer Rights (Payment Surcharges) Regulations 2012

M5

[<sup>F4</sup>, and Paragraphs 4 and 5 and the second sentence of paragraph 3 of Article 62 of Directive 2015/2366/EU of the European Parliament and of the Council of 25th November 2015 on payment services in the internal market, amending Directives [2002/65/EC](#), [2009/110/EC](#) and [2013/36/EU](#) and Regulation (EU) No. 1093/2010, and repealing Directive [2007/64/EC](#)]

[<sup>F6</sup>Sections 5, 11(4) to (6), 12, 19, 28, 29, 36(3) to (4), 37, 38, 42, 50 and 54 of the Consumer Rights Act 2015]

**Textual Amendments**

- F3** Word in [Sch.](#) substituted (13.1.2018) by [The Payment Services Regulations 2017 \(S.I. 2017/752\)](#), reg. 1(6), [Sch. 8 para. 20\(b\)\(ii\)](#) (with reg. 3)
- F4** Words in [Sch.](#) inserted (13.1.2018) by [The Payment Services Regulations 2017 \(S.I. 2017/752\)](#), reg. 1(6), [Sch. 8 para. 20\(b\)\(iii\)](#) (with reg. 3)
- F5** Words in [Sch.](#) inserted (13.1.2018) by [The Payment Services Regulations 2017 \(S.I. 2017/752\)](#), reg. 1(6), [Sch. 8 para. 20\(b\)\(iv\)](#) (with reg. 3)
- F6** 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. 3\(2\)](#)

**Marginal Citations**

- M3** OJ No L 304, 22.11.2011, p. 64.
- M4** S.I. 2013/3134.
- M5** S.I. 2012/3110.

**Status:** Point in time view as at 13/01/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Enterprise Act 2002 (Part 8 EU Infringements) Order 2014. (See end of Document for details)

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order revokes and replaces the Enterprise Act 2002 (Part 8 EU Infringements) Order 2013 (S.I. 2013/3168) in order to correct a defect in that Order. Article 3 specifies Directive 2011/83/EU of the European Parliament and of the Council of 25th October 2011 on consumer rights (“the Directive”) as a ‘listed Directive’ for the purposes of the enforcement regime in Part 8 of the Enterprise Act 2002 (“the 2002 Act”). This provision was incorrectly omitted from the earlier Order. Article 4 then specifies the United Kingdom legislation which gives effect to the Directive. Together, this ensures that breaches of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 and relevant provisions of the Consumer Rights (Payment Surcharges) Regulations 2012 can be enforced as ‘EU infringements’ under Part 8 of the 2002 Act.

With the exception of one provision, the provisions of the Directive are implemented by the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (“the 2013 Regulations”). The remaining provision, article 19, is implemented by regulations 4, 7, 8, 9 and 10 of the Consumer Rights (Payment Surcharges) Regulations 2012 (“the Payment Surcharges Regulations”).

Impact assessments of the effect that the 2013 Regulations and the Payment Surcharges Regulations will have on the costs of business, the voluntary sector and the public sector are available from the BIS website at [www.gov.uk/bis](http://www.gov.uk/bis). Copies can be obtained from the Department for Business, Innovation and Skills, 1 Victoria Street, London SW1H 0ET.

**Status:**

Point in time view as at 13/01/2018.

**Changes to legislation:**

There are currently no known outstanding effects for the The Enterprise Act 2002 (Part 8 EU Infringements) Order 2014.