



Enterprise Act 2002

2002 CHAPTER 40

PART 8

ENFORCEMENT OF CERTAIN CONSUMER LEGISLATION

Information

224 OFT

- (1) The OFT may for any of the purposes mentioned in subsection (2) give notice to any person requiring the person to provide it with the information specified in the notice.
- (2) The purposes are—
 - (a) to enable the OFT to exercise or to consider whether to exercise any function it has under this Part;
 - (b) to enable a designated enforcer to which section 225 does not apply to consider whether to exercise any function it has under this Part;
 - (c) to enable a Community enforcer to consider whether to exercise any function it has under this Part;
 - (d) to ascertain whether a person has complied with or is complying with an enforcement order, an interim enforcement order or an undertaking given under section 217(9), 218(10) or 219.

225 Other enforcers

- (1) This section applies to—
 - (a) every general enforcer (other than the OFT);
 - (b) every designated enforcer which is a public body.
- (2) An enforcer to which this section applies may for any of the purposes mentioned in subsection (3) give notice to any person requiring the person to provide the enforcer with the information specified in the notice.

Status: This is the original version (as it was originally enacted).

- (3) The purposes are—
- (a) to enable the enforcer to exercise or to consider whether to exercise any function it has under this Part;
 - (b) to ascertain whether a person has complied with or is complying with an enforcement order or an interim enforcement order made on the application of the enforcer or an undertaking given under section 217(9) or 218(10) (as the case may be) following such an application or an undertaking given to the enforcer under section 219.

226 Notices: procedure

- (1) This section applies to a notice given under section 224 or 225.
- (2) The notice must—
 - (a) be in writing;
 - (b) specify the purpose for which the information is required.
- (3) If the purpose is as mentioned in section 224(2)(a), (b) or (c) or 225(3)(a) the notice must specify the function concerned.
- (4) A notice may specify the time within which and manner in which it is to be complied with.
- (5) A notice may require the production of documents or any description of documents.
- (6) An enforcer may take copies of any documents produced in compliance with such a requirement.
- (7) A notice may be varied or revoked by a subsequent notice.
- (8) But a notice must not require a person to provide any information or produce any document which he would be entitled to refuse to provide or produce—
 - (a) in proceedings in the High Court on the grounds of legal professional privilege;
 - (b) in proceedings in the Court of Session on the grounds of confidentiality of communications.

227 Notices: enforcement

- (1) If a person fails to comply with a notice given under section 224 or 225 the enforcer who gave the notice may make an application under this section.
- (2) If it appears to the court that the person to whom the notice was given has failed to comply with the notice the court may make an order under this section.
- (3) An order under this section may require the person to whom the notice was given to do anything the court thinks it is reasonable for him to do for any of the purposes mentioned in section 224 or 225 (as the case may be) to ensure that the notice is complied with.
- (4) An order under this section may require the person to meet all the costs or expenses of the application.

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

- (5) If the person is a company or association the court in proceeding under subsection (4) may require any officer of the company or association who is responsible for the failure to meet the costs or expenses.
- (6) The court is a court which may make an enforcement order.
- (7) In subsection (5) an officer of a company is a person who is a director, manager, secretary or other similar officer of the company.