



Enterprise Act 2002

2002 CHAPTER 40

PART 8

ENFORCEMENT OF CERTAIN CONSUMER LEGISLATION

Introduction

210 Consumers

- (1) In this Part references to consumers must be construed in accordance with this section.
- (2) In relation to a domestic infringement a consumer is an individual in respect of whom the first and second conditions are satisfied.
- (3) The first condition is that—
 - (a) goods are or are sought to be supplied to the individual (whether by way of sale or otherwise) in the course of a business carried on by the person supplying or seeking to supply them, or
 - (b) services are or are sought to be supplied to the individual in the course of a business carried on by the person supplying or seeking to supply them.
- (4) The second condition is that—
 - (a) the individual receives or seeks to receive the goods or services otherwise than in the course of a business carried on by him, or
 - (b) the individual receives or seeks to receive the goods or services with a view to carrying on a business but not in the course of a business carried on by him.

^{F1}(5)

- (6) In relation to a [^{F2}Schedule 13 infringement] a consumer is a person who is a consumer for the purposes of [^{F3}the listed enactment concerned].

^{F4}(6A) An enactment is a listed enactment if it is specified in Schedule 13 or to the extent that it is so specified.

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 210. (See end of Document for details)

(6B) References to an enactment include—

- (a) references to subordinate legislation (within the meaning of the Interpretation Act 1978);
- (b) for the purposes of paragraph 6 of Schedule 13, references to a rule of law in Scotland;
- (c) for the purposes of paragraph 16 of Schedule 13, references to rules forming part of the law of any part of the United Kingdom made other than under an Act.]

^{F5}(7)

^{F6}(7A)

(8) A business includes—

- (a) a professional practice;
- (b) any other undertaking carried on for gain or reward;
- (c) any undertaking in the course of which goods or services are supplied otherwise than free of charge.

(9) The Secretary of State may by order modify Schedule 13.

(10) An order under this section must be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** S. 210(5) omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 7 para. 2](#) (with s. 79(2)); [S.I. 2015/1630](#), art. 3(i)
- F2** Words in s. 210(6) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, [3\(2\)\(a\)\(i\)](#) (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 s. 210(6) substituted for s. 210(6)(a)(b) (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, [3\(2\)\(a\)\(ii\)](#) (with reg. 9) (as amended by [S.I. 2020/1347](#), regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 210(6A)(6B) inserted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, [3\(2\)\(b\)](#) (with reg. 9) (as amended by [S.I. 2020/1347](#), regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F5** S. 210(7) omitted (31.12.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, [3\(2\)\(c\)](#) (with reg. 9) (as amended by [S.I. 2020/1347](#), regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F6** S. 210(7A) omitted (31.12.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, [3\(2\)\(c\)](#) (with reg. 9) (as amended by [S.I. 2020/1347](#), regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002, Section 210.