



Enterprise Act 2002

2002 CHAPTER 40

PART 8

ENFORCEMENT OF CERTAIN CONSUMER LEGISLATION

Introduction

211 Domestic infringements

- (1) In this Part a domestic infringement is an act or omission which—
 - (a) is done or made by a person in the course of a business,
 - (b) falls within subsection (2), and
 - (c) harms the collective interests of consumers in the United Kingdom.
- (2) An act or omission falls within this subsection if it is of a description specified by the Secretary of State by order and consists of any of the following—
 - (a) a contravention of an enactment which imposes a duty, prohibition or restriction enforceable by criminal proceedings;
 - (b) an act done or omission made in breach of contract;
 - (c) an act done or omission made in breach of a non-contractual duty owed to a person by virtue of an enactment or rule of law and enforceable by civil proceedings;
 - (d) an act or omission in respect of which an enactment provides for a remedy or sanction enforceable by civil proceedings;
 - (e) an act done or omission made by a person supplying or seeking to supply goods or services as a result of which an agreement or security relating to the supply is void or unenforceable to any extent;
 - (f) an act or omission by which a person supplying or seeking to supply goods or services purports or attempts to exercise a right or remedy relating to the supply in circumstances where the exercise of the right or remedy is restricted or excluded under or by virtue of an enactment;

Status: This is the original version (as it was originally enacted).

- (g) an act or omission by which a person supplying or seeking to supply goods or services purports or attempts to avoid (to any extent) liability relating to the supply in circumstances where such avoidance is restricted or prevented under an enactment.
- (3) But an order under this section may provide that any description of act or omission falling within subsection (2) is not a domestic infringement.
- (4) For the purposes of subsection (2) it is immaterial—
- (a) whether or not any duty, prohibition or restriction exists in relation to consumers as such;
 - (b) whether or not any remedy or sanction is provided for the benefit of consumers as such;
 - (c) whether or not any proceedings have been brought in relation to the act or omission;
 - (d) whether or not any person has been convicted of an offence in respect of the contravention mentioned in subsection (2)(a);
 - (e) whether or not there is a waiver in respect of the breach of contract mentioned in subsection (2)(b).
- (5) References to an enactment include references to subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).
- (6) The power to make an order under this section must be exercised by statutory instrument.
- (7) But no such order may be made unless a draft of it has been laid before Parliament and approved by a resolution of each House.