



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 8

#### ENFORCEMENT OF CERTAIN CONSUMER LEGISLATION

##### *Introduction*

### 213 Enforcers

- (1) Each of the following is a general enforcer—
  - (a) the [<sup>F1</sup>CMA];
  - (b) every local weights and measures authority in Great Britain;
  - (c) the Department of Enterprise, Trade and Investment in Northern Ireland.
- (2) A designated enforcer is any person or body (whether or not incorporated) which the Secretary of State—
  - (a) thinks has as one of its purposes the protection of the collective interests of consumers, and
  - (b) designates by order.
- (3) The Secretary of State may designate a public body only if he is satisfied that it is independent.
- (4) The Secretary of State may designate a person or body which is not a public body only if the person or body (as the case may be) satisfies such criteria as the Secretary of State specifies by order.

<sup>F2</sup>(5) .....

[<sup>F3</sup>(5A) Each of the following [<sup>F4</sup>is a Schedule 13 enforcer]—

- (a) the [<sup>F5</sup>CMA];
- (b) the Civil Aviation Authority;
- (c) the [<sup>F6</sup>Financial Conduct Authority];
- (d) the Secretary of State for Health [<sup>F7</sup>and Social Care];

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- (e) the Department of Health, Social Services and Public Safety in Northern Ireland;
  - (f) the Office of Communications;
  - (g) the Department of Enterprise, Trade and Investment in Northern Ireland;
  - (h) every local weights and measures authority in Great Britain;
  - [<sup>F8</sup>(i) an enforcement authority within the meaning of section 120(15) of the Communications Act 2003 (regulation of premium rate services);]
  - [<sup>F9</sup>(j) the Information Commissioner][<sup>F10</sup>;
  - [<sup>F11</sup>(k) the Department for Infrastructure;
  - (l) the Maritime and Coastguard Agency;
  - (m) the Office of Rail and Road;
  - (n) the Office for the Traffic Commissioner.]
- (6) An order under this section may designate an enforcer in respect of—
- (a) all infringements;
  - (b) infringements of such descriptions as are specified in the order.
- (7) An order under this section may make different provision for different purposes.
- (8) The designation of a body by virtue of subsection (3) is conclusive evidence for the purposes of any question arising under this Part that the body is a public body.
- (9) An order under this section must be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- <sup>F12</sup>(10) .....
- <sup>F13</sup>(11) .....

#### Textual Amendments

- F1** Word in s. 213(1)(a) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 6](#) (with art. 3)
- F2** S. 213(5) omitted (31.12.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, [3\(4\)\(a\)](#) (with reg. 9) (as amended by S.I. 2020/1347, regs. 1(3), 3(8)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** S. 213(5A) inserted (8.1.2007) by [The Enterprise Act 2002 \(Amendment\) Regulations 2006 \(S.I. 2006/3363\)](#), [reg. 11](#)
- F4** Words in s. 213(5A) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, [3\(4\)\(b\)](#) (with reg. 9) (as amended by S.I. 2020/1347, regs. 1(3), [3\(3\)\(a\)\(8\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F5** Word in s. 213(5A)(a) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 6](#) (with art. 3)
- F6** Words in s. 213(5A)(c) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 18 para. 95\(2\)](#) (with [Sch. 20](#)); S.I. 2013/423, art. 3, [Sch.](#)
- F7** Words in s. 213(5A)(d) inserted (11.4.2018) by [The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions \(Commonhold Land\) Order 2018 \(S.I. 2018/378\)](#), art. 1(2), [Sch. para. 11](#) (with art. 14)
- F8** S. 213(5A)(i) substituted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 7 para. 4](#) (with s. 79(2)); S.I. 2015/1630, art. 3(i)

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 213. (See end of Document for details)*

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- F9** S. 213(5A)(j) inserted (26.5.2011) by [The Privacy and Electronic Communications \(EC Directive\) \(Amendment\) Regulations 2011 \(S.I. 2011/1208\)](#), regs. 1(1), **16(a)**
- F10** Semi-colon in s. 213(5A)(j) substituted (2.6.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **2(2)(b)** (with reg. 8)
- F11** S. 213(5A)(k)-(n) inserted (2.6.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **2(2)(c)** (with reg. 8)
- F12** S. 213(10) omitted (31.12.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **3(4)(c)** (with reg. 9); 2020 c. 1, Sch. 5 para. 1(1)
- F13** S. 213(11) omitted (31.12.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **3(4)(c)** (with reg. 9); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise Act 2002, Section 213.