



Enterprise Act 2002

2002 CHAPTER 40

PART 8

ENFORCEMENT OF CERTAIN CONSUMER LEGISLATION

[^{F1}Enforcement orders and interim enforcement orders]

214 Consultation

- ^{F1}(1) An enforcer must not make an application for an enforcement order unless—
- (a) the enforcer has engaged in appropriate consultation with the person against whom the enforcement order would be made, and
 - (b) if the enforcer is not the [^{F2}CMA], the enforcer has given notice to the [^{F2}CMA] of the enforcer's intention to apply for the enforcement order, and the appropriate minimum period has elapsed.
- (1A) The appropriate minimum period is—
- (a) in the case of an enforcement order, 14 days beginning with the day on which notice under subsection (1)(b) is given;
 - (b) in the case of an interim enforcement order, seven days beginning with the day on which notice under subsection (1)(b) is given.]
- (2) Appropriate consultation is consultation for the purpose of—
- (a) achieving the cessation of the infringement in a case where an infringement is occurring;
 - (b) ensuring that there will be no repetition of the infringement in a case where the infringement has occurred;
 - (c) ensuring that there will be no repetition of the infringement in a case where the cessation of the infringement is achieved under paragraph (a);
 - (d) ensuring that the infringement does not take place in the case of a [^{F3}Schedule 13 infringement] which the enforcer believes is likely to take place.

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 214. (See end of Document for details)

- (3) Subsection (1) does not apply if the [^{F4}CMA] thinks that an application for an enforcement order should be made without delay.
- (4) [^{F5}Subsection (1)(a)] ceases to apply—
- (a) for the purposes of an application for an enforcement order at the end of the period of 14 days [^{F6}or, where subsection (4A) applies, 28 days] beginning with the day after the person against whom the enforcement order would be made receives a request for consultation from the enforcer;
 - (b) for the purposes of an application for an interim enforcement order at the end of the period of seven days beginning with the day after the person against whom the interim enforcement order would be made receives a request for consultation from the enforcer.
- [^{F7}(4A) This subsection applies where the person against whom the enforcement order would be made is a member of, or is represented by, a representative body, and that body operates a consumer code which has been approved by—
- (a) an enforcer, other than a designated enforcer which is not a public body,
 - (b) a body which represents an enforcer mentioned in paragraph (a),
 - (c) a group of enforcers mentioned in paragraph (a), or
 - (d) a community interest company whose objects include the approval of consumer codes.
- (4B) In subsection (4A)—
- “consumer code” means a code of practice or other document (however described) intended, with a view to safeguarding or promoting the interests of consumers, to regulate by any means the conduct of persons engaged in the supply of goods or services to consumers (or the conduct of their employees or representatives), and
- “representative body” means an organisation established to represent the interests of two or more businesses in a particular sector or area, and for this purpose “business” has the meaning it bears in section 210.]
- (5) The Secretary of State may by order make rules in relation to consultation under this section.
- (6) Such an order must be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section [^{F8}(except subsections (1A) and (4))] and in sections 215 and 216 references to an enforcement order include references to an interim enforcement order.

Textual Amendments

- F1** S. 214(1)(1A) substituted for s. 214(1) (28.3.2013) by [The Public Bodies \(The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions\) Order 2013 \(S.I. 2013/783\)](#), arts. 1(2), **9(2)**
- F2** Word in s. 214(1)(b) 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. 7** (with art. 3)
- F3** Words in s. 214(2)(d) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **3(5)** (with reg. 9) (as amended by S.I. 2020/1347, regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)

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- F4** Word in s. 214(3) 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. 7** (with art. 3)
- F5** Words in s. 214(4) substituted (28.3.2013) by The Public Bodies (The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 (S.I. 2013/783), arts. 1(2), **9(3)**
- F6** Words in s. 214(4)(a) inserted (1.10.2015) by Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 7 para. 5(2)** (with s. 79(2)); S.I. 2015/1630, art. 3(i)
- F7** S. 214(4A)(4B) inserted (1.10.2015) by Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 7 para. 5(3)** (with s. 79(2)); S.I. 2015/1630, art. 3(i)
- F8** Words in s. 214(7) substituted (28.3.2013) by The Public Bodies (The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 (S.I. 2013/783), arts. 1(2), **9(4)**

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002, Section 214.