



Enterprise Act 2002

2002 CHAPTER 40

PART 8

ENFORCEMENT OF CERTAIN CONSUMER LEGISLATION

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

217 Enforcement orders

- (1) This section applies if an application for an enforcement order is made under section 215 and the court finds that the person named in the application has engaged in conduct which constitutes the infringement.
- (2) This section also applies if such an application is made in relation to a [^{F1}Schedule 13 infringement] and the court finds that the person named in the application is likely to engage in conduct which constitutes the infringement.
- (3) If this section applies the court may make an enforcement order against the person.
- (4) In considering whether to make an enforcement order the court must have regard to whether the person named in the application—
 - (a) has given an undertaking under section 219 in respect of conduct such as is mentioned in subsection (3) of that section;
 - (b) has failed to comply with the undertaking.
- (5) An enforcement order must—
 - (a) indicate the nature of the conduct to which the finding under subsection (1) or (2) relates, and
 - (b) direct the person to comply with subsection (6).
- (6) A person complies with this subsection if he—
 - (a) does not continue or repeat the conduct;
 - (b) does not engage in such conduct in the course of his business or another business;

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 217. (See end of Document for details)

- (c) does not consent to or connive in the carrying out of such conduct by a body corporate with which he has a special relationship (within the meaning of section 222(3)).
- (7) But subsection (6)(a) does not apply in the case of a finding under subsection (2).
- (8) An enforcement order may require a person against whom the order is made to publish in such form and manner and to such extent as the court thinks appropriate for the purpose of eliminating any continuing effects of the infringement—
- (a) the order;
 - (b) a corrective statement.
- (9) If the court makes a finding under subsection (1) or (2) it may accept an undertaking by the person—
- (a) to comply with subsection (6), or
 - (b) to take steps which the court believes will secure that he complies with subsection (6).
- (10) An undertaking under subsection (9) may include a further undertaking by the person to publish in such form and manner and to such extent as the court thinks appropriate for the purpose of eliminating any continuing effects of the infringement—
- (a) the terms of the undertaking;
 - (b) a corrective statement.
- [^{F2}(10A) An enforcement order may require a person against whom the order is made to take enhanced consumer measures (defined in section 219A) within a period specified by the court.
- (10B) An undertaking under subsection (9) may include a further undertaking by the person to take enhanced consumer measures within a period specified in the undertaking.
- (10C) Subsections (10A) and (10B) are subject to section 219C in a case where the application for the enforcement order was made by a designated enforcer which is not a public body.
- (10D) Where a person is required by an enforcement order or an undertaking under this section to take enhanced consumer measures, the order or undertaking may include requirements as to the provision of information or documents to the court by the person in order that the court may determine if the person is taking those measures.]
- (11) If the court—
- (a) makes a finding under subsection (1) or (2), and
 - (b) accepts an undertaking under subsection (9),
- it must not make an enforcement order in respect of the infringement to which the undertaking relates.
- [^{F3}(12) An enforcement order made in a part of the United Kingdom by a court specified in relation to that part in the second or third column of the table has effect in another part of the United Kingdom as if made by a court specified in relation to that other part in the same column of the table—

| | | |
|-------------------|----------------------|------------------|
| England and Wales | The High Court | The county court |
| Scotland | The Court of Session | The sheriff |

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| Northern Ireland | The High Court | A county court] |
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Textual Amendments

- F1** Words in s. 217(2) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/203), regs. 1, **3(8)** (with reg. 9) (as amended by S.I. 2020/1347, regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** S. 217(10A)-(10D) inserted (1.10.2015) by [Consumer Rights Act 2015](#) (c. 15), s. 100(5), **Sch. 7 para. 6** (with s. 79(2)); S.I. 2015/1630, art. 3(i)
- F3** S. 217(12) substituted (26.11.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1347), regs. 1(2), **2(2)**

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002, Section 217.