



Enterprise Act 2002

2002 CHAPTER 40

PART 8

ENFORCEMENT OF CERTAIN CONSUMER LEGISLATION

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

218 Interim enforcement order

- (1) The court may make an interim enforcement order against a person named in the application for the order if it appears to the court—
 - (a) that it is alleged that the person is engaged in conduct which constitutes a domestic or [^{F1}Schedule 13 infringement] or is likely to engage in conduct which constitutes a [^{F1}Schedule 13 infringement],
 - (b) that if the application had been an application for an enforcement order it would be likely to be granted,
 - (c) that it is expedient that the conduct is prohibited or prevented (as the case may be) immediately, and
 - (d) if no notice of the application has been given to the person named in the application that it is appropriate to make an interim enforcement order without notice.
- (2) An interim enforcement order must—
 - (a) indicate the nature of the alleged conduct, and
 - (b) direct the person to comply with subsection (3).
- (3) 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;
 - (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)).

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 218. (See end of Document for details)

- (4) But subsection (3)(a) does not apply in so far as the application is made in respect of an allegation that the person is likely to engage in conduct which constitutes a [^{F2}Schedule 13 infringement].
- (5) An application for an interim enforcement order against a person may be made at any time before an application for an enforcement order against the person in respect of the same conduct is determined.
- (6) An application for an interim enforcement order must refer to all matters—
- (a) which are known to the applicant, and
 - (b) which are material to the question whether or not the application is granted.
- (7) If an application for an interim enforcement order is made without notice the application must state why no notice has been given.
- (8) The court may vary or discharge an interim enforcement order on the application of—
- (a) the enforcer who applied for the order;
 - (b) the person against whom it is made.
- (9) An interim enforcement order against a person is discharged on the determination of an application for an enforcement order made against the person in respect of the same conduct.
- (10) If it appears to the court as mentioned in subsection (1)(a) to (c) the court may instead of making an interim enforcement order accept an undertaking from the person named in the application—
- (a) to comply with subsection (3), or
 - (b) to take steps which the court believes will secure that he complies with subsection (3).
- [^{F3}(11) An interim 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
Northern Ireland	The High Court	A county court]

Textual Amendments

- F1** Words in s. 218(1)(a) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/203), regs. 1, **3(9)(a)** (with reg. 9) (as amended by S.I. 2020/1347, regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 218(4) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/203), regs. 1, **3(9)(b)** (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. 218(11) substituted (26.11.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1347), regs. 1(2), **2(3)**

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002, Section 218.