



Enterprise Act 2002

2002 CHAPTER 40

PART 8

ENFORCEMENT OF CERTAIN CONSUMER LEGISLATION

Enforcement procedure

219 Undertakings

- (1) This section applies if an enforcer has power to make an application under section 215.
- (2) In such a case the enforcer may accept from a person to whom subsection (3) applies an undertaking that the person will comply with subsection (4).
- (3) This subsection applies to a person who the enforcer believes—
 - (a) has engaged in conduct which constitutes an infringement;
 - (b) is engaging in such conduct;
 - (c) is likely to engage in conduct which constitutes a Community infringement.
- (4) 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)).
- (5) But subsection (4)(a) does not apply in the case of an undertaking given by a person in so far as subsection (3) applies to him by virtue of paragraph (c).
- (6) If an enforcer accepts an undertaking under this section it must notify the OFT—
 - (a) of the terms of the undertaking;
 - (b) of the identity of the person who gave it.