



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 8

#### ENFORCEMENT OF CERTAIN CONSUMER LEGISLATION

##### *Miscellaneous*

#### **230 Notice to OFT of intended prosecution**

- (1) This section applies if a local weights and measures authority in England and Wales intends to start proceedings for an offence under an enactment or subordinate legislation specified by the Secretary of State by order for the purposes of this section.
- (2) The authority must give the [<sup>F1</sup>CMA]—
  - (a) notice of its intention to start the proceedings;
  - <sup>F2</sup>(b) .....
- (3) The authority must not start the proceedings until whichever is the earlier of the following—
  - (a) the end of the period of 14 days starting with the day on which the authority gives the notice;
  - (b) the day on which it is notified by the [<sup>F3</sup>CMA] that the [<sup>F3</sup>CMA] has received the notice <sup>F4</sup>... given under subsection (2).
- (4) The authority must also notify the [<sup>F5</sup>CMA] of the outcome of the proceedings after they are finally determined.
- (5) But such proceedings are not invalid by reason only of the failure of the authority to comply with this section.
- (6) Subordinate legislation has the same meaning as in section 21(1) of the Interpretation Act 1978 (c. 30).
- (7) An order under this section must be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 230. (See end of Document for details)*

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### Textual Amendments

- F1** Word in s. 230(2) 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. 15\(2\)\(a\)](#) (with art. 3)
- F2** S. 230(2)(b) omitted (1.4.2014) by virtue of [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. 15\(2\)\(b\)](#) (with art. 3)
- F3** Word in s. 230(3)(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. 15\(3\)\(a\)](#) (with art. 3)
- F4** Words in s. 230(3)(b) omitted (1.4.2014) by virtue of [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. 15\(3\)\(b\)](#) (with art. 3)
- F5** Word in s. 230(4) 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. 15\(4\)](#) (with art. 3)

### Modifications etc. (not altering text)

- C1** S. 230 continued (23.2.2011) by [The Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 \(S.I. 2010/2960\)](#), reg. 1(2), [Sch. 7 para. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise Act 2002, Section 230.