



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 OFT—
 - (a) notice of its intention to start the proceedings;
 - (b) a summary of the evidence it intends to lead in respect of the charges.
- (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 OFT that the OFT has received the notice and summary given under subsection (2).
- (4) The authority must also notify the OFT 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.