

SCHEDULES

SCHEDULE 3

ENFORCEMENT OF THE LAW ON UNFAIR CONTRACT TERMS AND NOTICES

Determination of application

- 5 (1) On an application for an injunction under paragraph 3, the court may grant an injunction on such conditions, and against such of the respondents, as it thinks appropriate.
- (2) On an application for an interdict under paragraph 3, the court may grant an interdict on such conditions, and against such of the defenders, as it thinks appropriate.
- (3) The injunction or interdict may include provision about—
- (a) a term or notice to which the application relates, or
 - (b) any term of a consumer contract, or any consumer notice, of a similar kind or with a similar effect.
- (4) It is not a defence to an application under paragraph 3 to show that, because of a rule of law, a term to which the application relates is not, or could not be, an enforceable contract term.
- (5) If a regulator other than the CMA makes the application, it must notify the CMA of—
- (a) the outcome of the application, and
 - (b) if an injunction or interdict is granted, the conditions on which, and the persons against whom, it is granted.