

SCHEDULES

SCHEDULE 5

INVESTIGATORY POWERS ETC.

PART 6

EXERCISE OF ENFORCEMENT FUNCTIONS BY AREA ENFORCERS

Civil proceedings

- 45 (1) Sub-paragraphs (4) to (7) apply in relation to civil proceedings which may be brought by an area enforcer under—
- (a) Part 8 of the Enterprise Act 2002,
 - (b) Schedule 3 to this Act,
 - (c) legislation which, by virtue of a provision listed in paragraph 10 of this Schedule, the area enforcer has a duty or power to enforce,
 - (d) legislation under which legislation mentioned in paragraph (c) is made, or
 - (e) legislation listed in the second column of the table in paragraph 11 of this Schedule.
- (2) Sub-paragraphs (4) to (7) also apply in relation to an application for forfeiture which may be made by an area enforcer, in circumstances where there are no related criminal proceedings,—
- (a) under section 35ZC of the Registered Designs Act 1949,
 - (b) under section 16 of the Consumer Protection Act 1987,
 - (c) under section 97 of the Trade Marks Act 1994 (including as applied by section 11 of the Olympic Symbol etc (Protection) Act 1995), or
 - (d) under legislation which, by virtue of a provision listed in paragraph 10 of this Schedule, the area enforcer has a duty or power to enforce.
- (3) In sub-paragraphs (4), (5), (6) and (7), the reference to civil proceedings includes a reference to an application mentioned in sub-paragraph (2).
- (4) A local weights and measures authority in England or Wales may bring civil proceedings in respect of conduct in a part of England or Wales which is outside that authority's area.
- (5) A local weights and measures authority in Scotland may bring civil proceedings in respect of conduct in a part of Scotland which is outside that authority's area.
- (6) A district council in England may bring civil proceedings in respect of conduct in a part of England which is outside that council's district.
- (7) A district council in Northern Ireland may bring civil proceedings in respect of conduct in a part of Northern Ireland which is outside that council's district.