

2003 No. 1376

CONSUMER PROTECTION

**The Enterprise Act 2002 (Part 8 Notice to OFT of Intended
Prosecution Specified Enactments, Revocation and
Transitional Provision) Order 2003**

Made - - - - - 23rd May 2003

Laid before Parliament 27th May 2003

Coming into force - - 20th June 2003

The Secretary of State, in exercise of her powers under sections 230(1) and (7) and 277 of the Enterprise Act 2002(a) hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Enterprise Act 2002 (Part 8 Notice to OFT of Intended Prosecution Specified Enactments, Revocation and Transitional Provision) Order 2003 and shall come into force on 20th June 2003.

Specified enactments

2. The enactments and subordinate legislation contained in the Schedule to this Order are hereby specified for the purposes of section 230 of the Enterprise Act 2002 (notice to OFT of intended prosecution).

Revocation

3. In the Package Travel, Package Holidays and Package Tours Regulations 1992(b) paragraph 2 of Schedule 3 (notice of intended prosecution) is revoked.

(a) 2002 c. 40.
(b) S.I. 1992/3288.

Transitional

4. Where a local weights and measures authority has before the date when this Order comes into force given notice that it intends to institute proceedings for an offence, as required by section 161(2) of the Consumer Credit Act 1974(a), section 26(2) of the Estate Agents Act 1979(b), section 130 of the Fair Trading Act 1973(c), or paragraph 2 of Schedule 3 to the Package Travel, Package Holidays and Package Tours Regulations 1992(d), then the provisions of the Act or Regulation in accordance with which the notice was given shall continue to apply in respect of the intended proceedings.

23rd May 2003

Brian Wilson,
Minister of State for Energy and Construction,
Department of Trade and Industry

SCHEDULE

Article 2

Enactments and Subordinate Legislation	Extent of Specification
Accommodation Agencies Act 1953(e)	All offences under the Act
Administration of Justice Act 1970(f)	Section 40 (unlawful harassment of debtors)
Business Names Act 1985(g)	All offences under the Act
Cancer Act 1939(h)	All offences under the Act
Charities Act 1992(i)	Sections 60 (failure to comply with information requirements) and 63 (false statements in respect of fundraising)
Children and Young Persons Act 1933(j)	Section 7 (sale of tobacco to persons under 16)
Children and Young Persons (Protection from Tobacco) Act 1991(k)	Section 4 (offences in respect of display of warning statements)
Companies Act 1985(l)	Sections 348, 349 and 351 (offences in respect of display of a company's name outside place of business and of inclusion of name and other particulars in correspondence)
Consumer Credit Act 1974(m)	All offences under the Act
Consumer Protection Act 1987(n)	Offences under section 12 in respect of the Fireworks (Safety) Regulations 1997(o) and the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002(p) and all offences under Part III (misleading price indications)
Consumer Protection (Cancellation of Contracts Concluded away from Business Premises) Regulations 1987(q)	All offences under the Regulations

(a) 1974 c. 39. Section 161(2) is repealed by Sch. 26 to the Enterprise Act 2002.

(b) 1979 c. 38. Section 26(2) is repealed by Sch. 26 to the Enterprise Act 2002.

(c) 1973 c. 41. Section 130 is repealed by Sch. 26 to the Enterprise Act 2002.

(d) Revoked by article 3 of this Order.

(e) 1953 c. 23.

(f) 1970 c. 31.

(g) 1985 c. 7.

(h) 1939 c. 13.

(i) 1992 c. 41.

(j) 1933 c. 12.

(k) 1991 c. 23.

(l) 1985 c. 6.

(m) 1974 c. 39.

(n) 1987 c. 43.

(o) S.I. 1997/2294.

(p) S.I. 2002/3041.

(q) S.I. 1987/2117.

Enactments and Subordinate Legislation	Extent of Specification
Consumer Protection (Distance Selling) Regulations 2000 (a)	Regulation 24 (offences in respect of inertia selling)
Copyright, Designs and Patents Act 1988 (b)	Sections 107 (making or dealing with infringing articles, etc), 198 (making, dealing with or using illicit recordings) and 297A (making and dealing with unauthorised decoders) (c)
Estate Agents Act 1979 (d)	All offences under the Act
Fair Trading Act 1973 (e)	Section 23 (contravention of an order of the Secretary of State following a report of the Advisory Committee)
Fireworks (Safety) Regulations 1997 (f)	Regulation 6 (prohibition on supply of fireworks to persons apparently under 18)
Hallmarking Act 1973 (g)	All offences under the Act
Intoxicating Substances (Supply) Act 1985 (h)	Section 1 (supply of intoxicating substances to persons under 18)
Lotteries and Amusements Act 1976 (i)	All offences under Part I and section 14
Malicious Communications Act 1988 (j)	Section 1 (sending letters etc with intent to distress)
Medicines (Advertising) Regulations 1994 (k)	Regulation 23 (offences)
Mock Auctions Act 1961 (l)	All offences under the Act
National Lottery etc Act 1993 (m)	Sections 13 (contravention of regulations) and 16 (false representations)
Package Travel, Package Holidays and Package Tours Regulations 1992 (n)	All offences under the Regulations
Prices Act 1974 (o)	Offences under the Schedule in respect of contraventions of Orders made under section 4 (price marking) and under paras. 9, 12 and 13 of the Schedule (obstruction etc of officers, unlawful disclosure and offences by bodies corporate)
Property Misdescriptions Act 1991 (p)	All offences under the Act
Protection from Harassment Act 1997 (q)	Sections 2 (harassment) and 4 (putting people in fear of violence)
Road Traffic Act 1988 (r)	Sections 75 (vehicles not to be sold in unroadworthy condition etc) and 76 (fitting and supplying defective or unsuitable vehicle parts)
Timeshare Act 1992 (s)	All offences under the Act
Tobacco Advertising and Promotion Act 2002 (t)	All offences under the Act
Trade Descriptions Act 1968 (u)	All offences under the Act

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- (a)** S.I. 2000/2334.
(b) 1988 c. 48.
(c) Section 297A as substituted by S.I. 2000/1715 and subsequently amended.
(d) 1979 c. 38.
(e) 1973 c. 41.
(f) S.I. 1997/2294.
(g) 1973 c. 43.
(h) 1985 c. 26.
(i) 1976 c. 32.
(j) 1988 c. 27.
(k) S.I. 1994/1932.
(l) 1961 c. 47.
(m) 1993 c. 39.
(n) S.I. 1992/3288.
(o) 1974 c. 24.
(p) 1991 c. 29.
(q) 1997 c. 40.
(r) 1988 c. 52.
(s) 1992 c. 35.
(t) 2002 c. 36.
(u) 1968 c. 29.

Enactments and Subordinate Legislation**Extent of Specification**

Trade Marks Act 1994(a)

Section 92 (unauthorised use of trade marks etc in relation to goods)

Weights and Measures Act 1985(b)

Sections 22, 23, 25 (requirements to sell goods in particular quantities etc), 28 (short weight etc), 29 (misrepresentation), 30 (quantity less than stated), 31 (incorrect statements), 32 (offences due to default of third person), 50(5) and (6) (possession for sale, delivery etc of inadequate regulated package)

(a) 1994 c. 26.

(b) 1985 c. 72.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 230 of the Enterprise Act 2002 requires local weights and measures authorities in England and Wales to give notice to the OFT of intended prosecutions and their outcome under specified enactments and secondary legislation. This Order specifies the enactments and secondary legislation to which the requirement applies. It revokes a similar requirement in the Package Travel, Package Holidays and Package Tours Regulations 1992 (S.I. 1992/3288) and in article 4 makes transitional provisions where a local authority has, before this Order comes into force, given notice that it intends to institute proceedings for an offence under those Regulations or the other legislation there listed that imposes a similar requirement.

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