

This Statutory Instrument has been made in consequence of a defect in S.I. 2013/3168 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2014 No. 2908

CONSUMER PROTECTION

The Enterprise Act 2002 (Part 8 EU Infringements) Order 2014

<i>Made</i>	- - - -	<i>3rd November 2014</i>
<i>Laid before Parliament</i>		<i>5th November 2014</i>
<i>Coming into force</i>	- -	<i>27th November 2014</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 210(9) and 212(3) of the Enterprise Act 2002(a).

Citation and commencement

1. This Order may be cited as the Enterprise Act 2002 (Part 8 EU Infringements) Order 2014 and comes into force on 27th November 2014.

Revocation of the Enterprise Act 2002 (Part 8 EU Infringements) Order 2013

2. The Enterprise Act 2002 (Part 8 EU Infringements) Order 2013(b) is revoked.

Listed Directive and Specified Law

3. In Schedule 13 to the Enterprise Act 2002 (listed Directives and Regulations), after paragraph 9E insert—

“9F. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council.”.

4. The law set out in the Schedule to this Order is specified for the purposes of section 212 of the Enterprise Act 2002 to the extent that it gives effect to the listed Directive or provides additional permitted protections.

Jo Swinson

Parliamentary Under Secretary of State for Employment Relations and Consumer Affairs
3rd November 2014

Department for Business, Innovation and Skills

(a) 2002 c.40.
(b) S.I. 2013/3168.

SCHEDULE

Article 4

LISTED DIRECTIVE

Directive

Directive 2011/83/EU of the European Parliament and of the Council of 25th October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council(a)

Specified UK Law

The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013(b)

Regulations 4, 7, 8, 9 and 10 of the Consumer Rights (Payment Surcharges) Regulations 2012(c)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Enterprise Act 2002 (Part 8 EU Infringements) Order 2013 (S.I. 2013/3168) in order to correct a defect in that Order. Article 3 specifies Directive 2011/83/EU of the European Parliament and of the Council of 25th October 2011 on consumer rights (“the Directive”) as a ‘listed Directive’ for the purposes of the enforcement regime in Part 8 of the Enterprise Act 2002 (“the 2002 Act”). This provision was incorrectly omitted from the earlier Order. Article 4 then specifies the United Kingdom legislation which gives effect to the Directive. Together, this ensures that breaches of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 and relevant provisions of the Consumer Rights (Payment Surcharges) Regulations 2012 can be enforced as ‘EU infringements’ under Part 8 of the 2002 Act.

With the exception of one provision, the provisions of the Directive are implemented by the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (“the 2013 Regulations”). The remaining provision, article 19, is implemented by regulations 4, 7, 8, 9 and 10 of the Consumer Rights (Payment Surcharges) Regulations 2012 (“the Payment Surcharges Regulations”).

Impact assessments of the effect that the 2013 Regulations and the Payment Surcharges Regulations will have on the costs of business, the voluntary sector and the public sector are available from the BIS website at www.gov.uk/bis. Copies can be obtained from the Department for Business, Innovation and Skills, 1 Victoria Street, London SW1H 0ET.

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- (a) OJ No L 304, 22.11.2011, p. 64.
(b) S.I. 2013/3134.
(c) S.I. 2012/3110.

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