

Draft Order laid before Parliament under paragraph 12(6) of Schedule 5 to the Consumer Rights Act 2015, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No.

**CONSUMER PROTECTION
HEALTH AND SAFETY
WEIGHTS AND MEASURES**

**The Consumer Rights Act 2015
(Enforcement) (Amendment) Order 2019**

Made - - - -

Coming into force in accordance with article 1

The Secretary of State in exercise of the powers conferred by paragraph 12(1) of Schedule 5 to the Consumer Rights Act 2015(1), (“the Act”), makes the following Order.

A draft of this Order was laid before Parliament in accordance with paragraph 12(6) of Schedule 5 to the Act and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Consumer Rights Act 2015 (Enforcement) (Amendment) Order 2019 and comes into force 21 days after the day on which this Order is made.

Amendments to the Consumer Rights Act 2015 etc

2. In paragraph 10 of Schedule 5 to the Act—

- (a) in the entry relating to paragraph 1(a) of Schedule 10 to the Personal Protective Equipment Regulations 2002 (S.I. 2002/1144), after “(S.I. 2002/1144)” insert “so far as that paragraph remains in force by virtue of regulation 2(6) of the Personal Protective Equipment (Enforcement) Regulations 2018 (S.I. 2018/390)”;
- (b) for the entry “regulation 10(1) of the General Product Safety Regulations 2005 (S.I. 2005/1803);” substitute “the General Product Safety Regulations 2005 (S.I. 2005/1803), if they are duties and powers of an enforcement authority (within the meaning of regulation 2 of those Regulations);”;

- (c) in the entry relating to regulation 70 of the Measuring Instruments Regulations 2016 (S.I. 2016/1153), for “regulations 70” substitute “regulation 67”; and
 - (d) at the end, insert—
 - “regulation 4(1) and (2) of the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389);
 - regulation 4(1) and (2) of the Personal Protective Equipment (Enforcement) Regulations 2018 (S.I. 2018/390).”.
3. Omit paragraph 3(4) of Schedule 3 (revocations and transitional and consequential provisions) to the Measuring Instruments Regulations 2016(2).

Date

Name
Parliamentary Under Secretary of State
Department

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends paragraph 10 of Schedule 5 to the Consumer Rights Act 2015, updating the entries listed in that paragraph.

Paragraph 10 lists provisions in legislation or notices which the domestic enforcer has a duty or power to enforce.

Article 2(a) modifies the existing entry for “paragraph 1(a) of Schedule 10 to the Personal Protective Equipment Regulations 2002 (S.I. 2002/1144)” so it applies to the extent those Regulations are saved by virtue of regulation 2(6) of the Personal Protective Equipment (Enforcement) Regulations 2018 (S.I. 2018/390).

Article 2(b) modifies the existing entry for “regulation 10(1) of the General Product Safety Regulations 2005 (S.I. 2005/1803)” so that it applies instead to those parts of the General Product Safety Regulations 2005 (S.I. 2005/1803) which are duties and powers of an enforcement authority within the meaning of regulation 2 of those Regulations. This change does not restrict current enforcement capabilities but does enable the Secretary of State to use the investigatory powers provided by Schedule 5 to the Consumer Rights Act 2015 when enforcing the General Product Safety Regulations 2005.

Article 2(d) adds two entries to paragraph 10 for “regulation 4(1) and (2) of the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389)” and “regulation 4(1) and (2) of the Personal Protective Equipment (Enforcement) Regulations 2018 (S.I. 2018/390)” to enable those responsible for enforcing those Regulations to use the investigatory powers provided by Schedule 5 to the Consumer Rights Act 2015.

Article 2(c) contains a minor amendment to an entry in the list in paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 and Article 3 contains another minor amendment to Schedule 3 to the Measuring Instruments Regulations 2016 (S.I. 2016/1153). These amendments are to correct an error.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.