



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 8

#### ENFORCEMENT OF CERTAIN CONSUMER LEGISLATION

##### *Miscellaneous*

#### [<sup>F1</sup>223A Investigatory powers

For the investigatory powers available to enforcers for the purposes of enforcers' functions under this Part, see Schedule 5 to the Consumer Rights Act 2015.]

#### Textual Amendments

**F1** S. 223A inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\), s. 100\(5\), Sch. 6 para. 78; S.I. 2015/1630, art. 3\(i\)](#)

#### 228 Evidence

- (1) Proceedings under this Part are civil proceedings for the purposes of—
  - (a) section 11 of the Civil Evidence Act 1968 (c. 64) (convictions admissible as evidence in civil proceedings);
  - (b) section 10 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (c. 70) (corresponding provision in Scotland);
  - (c) section 7 of the Civil Evidence Act (Northern Ireland) 1971 (c. 36 (N.I.)) (corresponding provision in Northern Ireland).
- (2) In proceedings under this Part any finding by a court in civil proceedings that an act or omission mentioned in section 211(2)(b), (c) or (d) or 212(1) has occurred—
  - (a) is admissible as evidence that the act or omission occurred;
  - (b) unless the contrary is proved, is sufficient evidence that the act or omission occurred.

---

*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Cross Heading: Miscellaneous. (See end of Document for details)*

---

- (3) But subsection (2) does not apply to any finding—
- (a) which has been reversed on appeal;
  - (b) which has been varied on appeal so as to negative it.

<sup>F2</sup>(4) .....

#### Textual Amendments

- F2** S. 228(4) omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 79](#); S.I. 2015/1630, art. 3(i) (with art. 8)

## 229 Advice and information

- (1) [<sup>F3</sup>The CMA] must prepare and publish advice and information with a view to—
- (a) explaining the provisions of this Part to persons who are likely to be affected by them, and
  - (b) indicating how the [<sup>F4</sup>CMA] expects such provisions to operate.

[<sup>F5</sup>(1A) As soon as is reasonably practicable after the commencement of Schedule 5 to the Consumer Rights Act 2015 (investigatory powers etc.) the CMA must prepare and publish advice and information with a view to—

- (a) explaining the provisions of that Schedule, so far as they relate to investigatory powers exercised for the purposes set out in paragraphs 13(2) and (3) and 19 of that Schedule, to persons who are likely to be affected by them, and
- (b) indicating how the CMA expects such provisions to operate.]

- (2) The [<sup>F6</sup>CMA] may at any time publish revised or new advice or information.
- (3) Advice or information published in pursuance of subsection (1)(b) may include advice or information about the factors which the [<sup>F6</sup>CMA] may take into account in considering how to exercise the functions conferred on it by this Part.
- (4) Advice or information published by the [<sup>F6</sup>CMA] under this section is to be published in such form and in such manner as it considers appropriate.
- (5) In preparing advice or information under this section the [<sup>F6</sup>CMA] must consult such persons as it thinks are representative of persons affected by this Part.
- (6) If any proposed advice or information relates to a matter in respect of which another [<sup>F7</sup>enforcer] may act the persons to be consulted must include that enforcer.

#### Textual Amendments

- F3** Words in s. 229(1) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 14\(2\)\(a\)](#) (with art. 3)
- F4** Word in s. 229(1)(b) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 14\(2\)\(b\)](#) (with art. 3)
- F5** S. 229(1A) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 7 para. 10](#) (with s. 79(2)); S.I. 2015/1630, art. 3(i)

*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Cross Heading: Miscellaneous. (See end of Document for details)*

- F6** Word in s. 229(2)-(5) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 14\(3\)](#) (with art. 3)
- F7** Word in s. 229(6) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, [3\(16\)](#) (with reg. 9) (as amended by [S.I. 2020/1347](#), regs. 1(3), 3(8)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### 230 Notice to OFT of intended prosecution

- (1) This section applies if a local weights and measures authority in England and Wales intends to start proceedings for an offence under an enactment or subordinate legislation specified by the Secretary of State by order for the purposes of this section.
- (2) The authority must give the [<sup>F8</sup>CMA]—
- (a) notice of its intention to start the proceedings;
  - <sup>F9</sup>(b) .....
- (3) The authority must not start the proceedings until whichever is the earlier of the following—
- (a) the end of the period of 14 days starting with the day on which the authority gives the notice;
  - (b) the day on which it is notified by the [<sup>F10</sup>CMA] that the [<sup>F10</sup>CMA] has received the notice <sup>F11</sup>... given under subsection (2).
- (4) The authority must also notify the [<sup>F12</sup>CMA] of the outcome of the proceedings after they are finally determined.
- (5) But such proceedings are not invalid by reason only of the failure of the authority to comply with this section.
- (6) Subordinate legislation has the same meaning as in section 21(1) of the Interpretation Act 1978 (c. 30).
- (7) An order under this section must be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F8** Word in s. 230(2) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 15\(2\)\(a\)](#) (with art. 3)
- F9** S. 230(2)(b) omitted (1.4.2014) by virtue of [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 15\(2\)\(b\)](#) (with art. 3)
- F10** Word in s. 230(3)(b) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 15\(3\)\(a\)](#) (with art. 3)
- F11** Words in s. 230(3)(b) omitted (1.4.2014) by virtue of [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 15\(3\)\(b\)](#) (with art. 3)
- F12** Word in s. 230(4) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 15\(4\)](#) (with art. 3)

---

*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Cross Heading: Miscellaneous. (See end of Document for details)*

---

#### **Modifications etc. (not altering text)**

- C1** S. 230 continued (23.2.2011) by [The Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 \(S.I. 2010/2960\)](#), reg. 1(2), **Sch. 7 para. 2**

### **231 Notice of convictions and judgments to <sup>F13</sup>CMA]**

- (1) This section applies if—
- (a) a person is convicted of an offence by or before a court in the United Kingdom, or
  - (b) a judgment is given against a person by a court in civil proceedings in the United Kingdom.
- (2) The court may make arrangements to bring the conviction or judgment to the attention of the <sup>F14</sup>CMA] if it appears to the court—
- (a) having regard to the functions of the <sup>F14</sup>CMA] under this Part <sup>F15</sup>... that it is expedient for the conviction or judgment to be brought to the attention of the <sup>F14</sup>CMA], and
  - (b) without such arrangements the conviction or judgment may not be brought to the attention of the <sup>F14</sup>CMA].
- (3) For the purposes of subsection (2) it is immaterial that the proceedings have been finally disposed of by the court.
- (4) Judgment includes an order or decree and references to the giving of the judgment must be construed accordingly.

#### **Textual Amendments**

- F13** Word in s. 231 heading substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 16** (with art. 3)
- F14** Word in s. 231(2) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 16** (with art. 3)
- F15** Words in s. 231(2) omitted (31.3.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(5), **Sch. 2 para. 4** (with Sch. 1 para. 28, 2 paras. 13-15)

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise Act 2002, Cross Heading: Miscellaneous.