



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 8

#### ENFORCEMENT OF CERTAIN CONSUMER LEGISLATION

*[<sup>F1</sup>Enforcement procedure: supplementary]*

#### **219 Undertakings**

- (1) This section applies if an enforcer has power to make an application [<sup>F1</sup>for an enforcement order or an interim enforcement order under section 215 or for an online interface order or an interim online interface order under section 218ZA].
- (2) In such a case the enforcer may accept from a person to whom subsection (3) applies an undertaking that the person will comply with subsection (4).
- (3) This subsection applies to a person who the enforcer believes—
  - (a) has engaged in conduct which constitutes an infringement;
  - (b) is engaging in such conduct;
  - (c) is likely to engage in conduct which constitutes a [<sup>F2</sup>Schedule 13 infringement].
- (4) A person complies with this subsection if he—
  - (a) does not continue or repeat the conduct;
  - (b) does not engage in such conduct in the course of his business or another business;
  - (c) does not consent to or connive in the carrying out of such conduct by a body corporate with which he has a special relationship (within the meaning of section 222(3)).
- (5) But subsection (4)(a) does not apply in the case of an undertaking given by a person in so far as subsection (3) applies to him by virtue of paragraph (c).

[<sup>F3</sup>(5ZA) An undertaking under this section may include a further undertaking by the person—

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 219. (See end of Document for details)*

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- (a) to take enhanced consumer measures (defined in section 219A) within a period specified in the undertaking, and
- (b) where such measures are included, to provide information or documents to the enforcer in order that the enforcer may determine if the person is taking those measures.

(5ZB) Subsection (5ZA) is subject to section 219C in a case where the enforcer is a designated enforcer which is not a public body.]

[<sup>F4</sup>(5A) A [<sup>F5</sup>Schedule 13 enforcer] who has accepted an undertaking under this section may—

- (a) accept a further undertaking from the person concerned to publish the terms of the undertaking; or
- (b) take steps itself to publish the undertaking.

(5B) In each case the undertaking shall be published in such form and manner and to such extent as the [<sup>F6</sup>Schedule 13 enforcer] thinks appropriate for the purpose of eliminating any continuing effects of the [<sup>F7</sup>Schedule 13 infringement].]

(6) If an enforcer accepts an undertaking under this section it must notify the [<sup>F8</sup>CMA]—

- (a) of the terms of the undertaking;
- (b) of the identity of the person who gave it.

#### Textual Amendments

- F1** Words in s. 219(1) substituted (2.6.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **2(8)** (with reg. 8)
- F2** Words in s. 219(3)(c) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **3(11)(a)** (with reg. 9) (as amended by [S.I. 2020/1347](#), regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F3** S. 219(5ZA)(5ZB) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 7 para. 7** (with s. 79(2)); [S.I. 2015/1630](#), art. 3(i)
- F4** S. 219(5A)(5B) inserted (8.1.2007) by [The Enterprise Act 2002 \(Amendment\) Regulations 2006 \(S.I. 2006/3363\)](#), **reg. 13**
- F5** Words in s. 219(5A) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **3(11)(b)** (with reg. 9) (as amended by [S.I. 2020/1347](#), regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 219(5B) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **3(11)(c)(i)** (with reg. 9) (as amended by [S.I. 2020/1347](#), regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in s. 219(5B) substituted (31.12.2020) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **3(11)(c)(ii)** (with reg. 9) (as amended by [S.I. 2020/1347](#), regs. 1(3), 3(8)); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Word in s. 219(6) 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. 10** (with art. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise Act 2002, Section 219.