



# Consumer Rights Act 2015

## 2015 CHAPTER 15

### PART 3

#### MISCELLANEOUS AND GENERAL

### CHAPTER 5

#### SECONDARY TICKETING

#### **93 Enforcement of this Chapter**

- (1) A local weights and measures authority in Great Britain may enforce the provisions of this Chapter in its area.
- (2) The Department of Enterprise, Trade and Investment may enforce the provisions of this Chapter in Northern Ireland.
- (3) Each of the bodies referred to in subsections (1) and (2) is an “enforcement authority” for the purposes of this Chapter.
- (4) Where an enforcement authority is satisfied on the balance of probabilities that a person has breached a duty or prohibition imposed by this Chapter, the authority may impose a financial penalty on the person in respect of that breach.
- (5) But in the case of a breach of a duty in section 90 or a prohibition in section 91 an enforcement authority may not impose a financial penalty on a person (“P”) if the authority is satisfied on the balance of probabilities that—
  - (a) the breach was due to—
    - (i) a mistake,
    - (ii) reliance on information supplied to P by another person,
    - (iii) the act or default of another person,
    - (iv) an accident, or
    - (v) another cause beyond P’s control, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) P took all reasonable precautions and exercised all due diligence to avoid the breach.
- (6) A local weights and measures authority in England and Wales may impose a penalty under this section in respect of a breach which occurs in England and Wales but outside that authority's area (as well as in respect of a breach which occurs within that area).
- (7) A local weights and measures authority in Scotland may impose a penalty under this section in respect of a breach which occurs in Scotland but outside that authority's area (as well as in respect of a breach which occurs within that area).
- (8) Only one penalty under this section may be imposed on the same person in respect of the same breach.
- (9) The amount of a financial penalty imposed under this section—
  - (a) may be such as the enforcement authority imposing it determines, but
  - (b) must not exceed £5,000.
- (10) Schedule 10 (procedure for and appeals against financial penalties) has effect.
- (11) References in this section to this Chapter do not include section 94.