
STATUTORY INSTRUMENTS

2008 No. 1277

The Consumer Protection from Unfair Trading Regulations 2008

PART 4

ENFORCEMENT

[^{F1}Duty and power to enforce]

19.—[^{F2}(1) It shall be the duty of every local weights and measures authority and DETINI to enforce these Regulations [^{F3}(other than Part 4A).]

(1A) The [^{F4}CMA] may also enforce these Regulations.]

(2) Where the enforcement authority is a local weights and measures authority the duty referred to in paragraph (1) shall apply to the enforcement of these Regulations within the authority's area.

(3) Where the enforcement authority is [^{F5}DETINI] the duty referred to in paragraph (1) shall apply to the enforcement of these Regulations within Northern Ireland.

(4) [^{F6}In determining how to comply with paragraph (1), or as the case may be, paragraph (1A),] every enforcement authority shall have regard to the desirability of encouraging control of unfair commercial practices by such established means as it considers appropriate having regard to all the circumstances of the particular case.

(5) Nothing in this regulation shall authorise any enforcement authority to bring proceedings in Scotland for an offence.

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| F1 | Reg. 19 heading substituted (28.3.2013) by The Public Bodies (The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 (S.I. 2013/783) , arts. 1(2), 13(3) |
| F2 | Reg. 19(1)(1A) substituted for reg. 19(1) (28.3.2013) by The Public Bodies (The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 (S.I. 2013/783) , arts. 1(2), 13(4) |
| F3 | Words in reg. 19(1) inserted (with application in accordance with reg. 1(3) of the amending S.I.) by The Consumer Protection (Amendment) Regulations 2014 (S.I. 2014/870) , regs. 1(3), 4(1) |
| F4 | Word in reg. 19(1A) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) (No. 2) Order 2014 (S.I. 2014/549) , art. 1(1), Sch. 1 para. 35(3) (with art. 3) |
| F5 | Words in reg. 19(3) substituted (28.3.2013) by The Public Bodies (The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 (S.I. 2013/783) , arts. 1(2), 13(5) |
| F6 | Words in reg. 19(4) substituted (28.3.2013) by The Public Bodies (The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 (S.I. 2013/783) , arts. 1(2), 13(6) |

Power to make test purchases

F720.

F7 Regs. 20-25 revoked (1.10.2015) by [The Consumer Rights Act 2015 \(Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments\) Order 2015 \(S.I. 2015/1630\)](#), art. 1, [Sch. 2 para. 115](#) (with art. 8)

Power of entry and investigation, etc.

F721.

F7 Regs. 20-25 revoked (1.10.2015) by [The Consumer Rights Act 2015 \(Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments\) Order 2015 \(S.I. 2015/1630\)](#), art. 1, [Sch. 2 para. 115](#) (with art. 8)

Power to enter premises with a warrant

F722.

F7 Regs. 20-25 revoked (1.10.2015) by [The Consumer Rights Act 2015 \(Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments\) Order 2015 \(S.I. 2015/1630\)](#), art. 1, [Sch. 2 para. 115](#) (with art. 8)

Obstruction of authorised officers

F723.

F7 Regs. 20-25 revoked (1.10.2015) by [The Consumer Rights Act 2015 \(Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments\) Order 2015 \(S.I. 2015/1630\)](#), art. 1, [Sch. 2 para. 115](#) (with art. 8)

Notice of test and intended proceedings

F724.

F7 Regs. 20-25 revoked (1.10.2015) by [The Consumer Rights Act 2015 \(Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments\) Order 2015 \(S.I. 2015/1630\)](#), art. 1, [Sch. 2 para. 115](#) (with art. 8)

Compensation

F725.

F7 Regs. 20-25 revoked (1.10.2015) by [The Consumer Rights Act 2015 \(Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments\) Order 2015 \(S.I. 2015/1630\)](#), art. 1, [Sch. 2 para. 115](#) (with art. 8)

Application of Part 8 of Enterprise Act 2002

26. In Schedule 13 to the Enterprise Act 2002 ^{M1}(listed Directives and Regulations), after paragraph 9B insert—

“9C Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market.”.

Marginal Citations

M1 [2002 c.40](#); paragraph 9B of Schedule 13 was inserted by [S.I. 2006/3363](#).

Evidence as to factual claims

27. After section 218 of the Enterprise Act 2002 insert—

“218A Unfair commercial practices: substantiation of claims

(1) This section applies where an application for an enforcement order or for an interim enforcement order is made in respect of a Community infringement involving a contravention of Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market.

(2) For the purposes of considering the application the court may require the person named in the application to provide evidence as to the accuracy of any factual claim made as part of a commercial practice of that person if, taking into account the legitimate interests of that person and any other party to the proceedings, it appears appropriate in the circumstances.

(3) If, having been required under subsection (2) to provide evidence as to the accuracy of a factual claim, a person—

- (a) fails to provide such evidence, or
- (b) provides evidence as to the accuracy of the factual claim that the court considers inadequate,

the court may consider that the factual claim is inaccurate.

(4) In this section “commercial practice” has the meaning given by regulation 2 of the Consumer Protection from Unfair Trading Regulations 2008.”.

Changes to legislation:

There are currently no known outstanding effects for the The Consumer Protection from Unfair Trading Regulations 2008, PART 4.