
STATUTORY INSTRUMENTS

2019 No. 203

**The Consumer Protection (Enforcement)
(Amendment etc.) (EU Exit) Regulations 2019**

PART 2

Amendment of primary legislation

Amendment of the Enterprise Act 2002

3.—(1) The 2002 Act is amended as follows.

(2) In section 210 (consumers)—

(a) in subsection (6)—

(i) for “Community infringement” substitute “Schedule 13 infringement”;

(ii) for paragraphs (a) and (b) substitute “the listed enactment concerned”;

(b) after subsection (6) insert—

“(6A) An enactment is a listed enactment if it is specified in Schedule 13 or to the extent that it is so specified.

(6B) References to an enactment include—

(a) references to subordinate legislation (within the meaning of the Interpretation Act 1978⁽¹⁾);

(b) for the purposes of paragraph 6 of Schedule 13, references to a rule of law in Scotland;

(c) for the purposes of paragraph 16 of Schedule 13, references to rules forming part of the law of any part of the United Kingdom made other than under an Act.”;

(c) omit subsections (7) and (7A).

(3) For section 212 (Community infringements), substitute—

“212. Schedule 13 infringements

(1) In this Part a Schedule 13 infringement is an act or omission which contravenes a listed enactment and which harms the collective interests of consumers.

(2) References to a listed enactment must be construed in accordance with section 210.”

(4) In section 213 (enforcers)—

(a) omit subsection (5);

(1) 1978 c.30; “subordinate legislation” is defined in section 21(1), as amended by the European Union (Withdrawal) Act 2018, section 23(5), Schedule 8, paragraphs 18 and 19.

- (b) in subsection (5A), for “(being bodies or persons designated by the Secretary of State under Article 4(1) or 4(2) of the CPC Regulation) is a CPC enforcer” substitute “is a Schedule 13 enforcer”;
- (c) omit subsections (10) and (11).
- (5) In section 214 (consultation), in subsection (2)(d), for “Community infringement” substitute “Schedule 13 infringement”.
- (6) In section 215 (applications)—
 - (a) in subsection (1), for “Community infringement” substitute “Schedule 13 infringement” in both places where it occurs;
 - (b) omit subsection (4);
 - (c) in subsection (4A)—
 - (i) for “CPC enforcer” substitute “Schedule 13 enforcer”;
 - (ii) for “Community infringement” substitute “Schedule 13 infringement”;
 - (d) omit subsections (6), (7) and (8).
- (7) In section 216 (applications: directions by CMA), omit subsection (6).
- (8) In section 217 (enforcement orders), in subsection (2), for “Community infringement” substitute “Schedule 13 infringement”.
- (9) In section 218 (interim enforcement order)—
 - (a) in subsection (1)(a), for “Community infringement” substitute “Schedule 13 infringement” in both places where it occurs;
 - (b) in subsection (4), for “Community infringement” substitute “Schedule 13 infringement”.
- (10) In section 218A (unfair commercial practices: substantiation of claims), in subsection (1)—
 - (a) for “Community infringement” substitute “Schedule 13 infringement”;
 - (b) for the words from “[Directive 2005/29/EC](#) of the European Parliament” to the end of the subsection, substitute “the Consumer Protection from Unfair Trading Regulations 2008(2)”.
- (11) In section 219 (undertakings)—
 - (a) in subsection (3)(c), for “Community infringement” substitute “Schedule 13 infringement”;
 - (b) in subsection (5A), for “CPC enforcer” substitute “Schedule 13 enforcer”;
 - (c) in subsection (5B)—
 - (i) for “CPC enforcer” substitute “Schedule 13 enforcer”;
 - (ii) for “Community infringement” substitute “Schedule 13 infringement”.
- (12) In section 219A (definition of enhanced consumer measures), in subsection (5)(c), for “CPC enforcer” substitute “Schedule 13 enforcer”.
- (13) In section 220 (further proceedings), in subsection (2), for “CPC enforcer” substitute “Schedule 13 enforcer”.
- (14) Omit section 221 (Community infringements: proceedings).
- (15) In section 222 (bodies corporate: accessories), in subsection (1), for “Community infringement” substitute “Schedule 13 infringement”.

(2) [S.I. 2008/1277](#), amended by [S.I. 2011/1043](#), [S.I. 2011/2085](#), [S.I. 2013/783](#), [S.I. 2013/3134](#), [S.I. 2014/549](#), [S.I. 2014/870](#), the Consumer Rights Act 2015 (c.15), section 60, Schedule 1, paragraph 55(b), section 77(2), Schedule 6, paragraph 85(j), [S.I. 2015/1629](#), [S.I. 2015/1630](#) and [S.I. 2018/1326](#).

(16) In section 229 (advice and information), in subsection (6), for “general or CPC enforcer or a designated enforcer” substitute “enforcer”.

(17) Omit sections 235 (Injunctions Directive) and 235A (CPC Regulation).

(18) In section 235B (dual enforcers), for “CPC enforcer” substitute “Schedule 13 enforcer” in both places where it occurs.

(19) In section 243(3) (overseas disclosures), in subsection (12)(c), for “an order under section 212(3)” substitute “Schedule 13”.

(20) For Schedule 13 (Listed Directives and Regulations), substitute the Schedule set out in the Schedule to these Regulations.

Amendment of the Consumer Rights Act 2015

4.—(1) Schedule 5 (investigatory powers etc.) to the Consumer Rights Act 2015(4) is amended as follows.

(2) In paragraph 2 (enforcers), for “an EU enforcer” substitute “a Schedule 13 enforcer” in both places where it occurs.

(3) In the italic heading before paragraph 4, for “EU enforcers” substitute “Schedule 13 enforcers”.

(4) For paragraph 4 substitute—

“4. In this Schedule “Schedule 13 enforcer” means a person or body which is a Schedule 13 enforcer under section 213(5A) of the Enterprise Act 2002.”

(5) In paragraph 8 (interpretation of other terms), for “Community infringement” substitute “Schedule 13 infringement”.

(6) In paragraph 13 (exercise of powers in this Part)—

(a) omit sub-paragraph (2)(c);

(b) in sub-paragraph (3), for “an EU enforcer” substitute “a Schedule 13 enforcer”;

(c) in sub-paragraph (10), omit the definition of “Community enforcer”.

(7) In the heading of Part 4, for “EU enforcers” substitute “Schedule 13 enforcers”.

(8) In the italic heading before paragraph 20, for “EU enforcers” substitute “Schedule 13 enforcers”.

(9) In paragraph 20—

(a) in sub-paragraph (1), for “an EU enforcer” substitute “a Schedule 13 enforcer”;

(b) in sub-paragraph (2)—

(i) for “an EU enforcer” substitute “a Schedule 13 enforcer”;

(ii) for “CPC enforcer” substitute “Schedule 13 enforcer”;

(c) in sub-paragraph (3), for “EU enforcer” substitute “Schedule 13 enforcer”;

(d) in sub-paragraph (3)(a), for “Community infringement” substitute “Schedule 13 infringement”;

(e) in sub-paragraphs (4) and (5), for “An EU enforcer” substitute “A Schedule 13 enforcer”;

(3) Section 243 amended by the Financial Services Act 2012 (c. 21), section 114(2), Schedule 19.

(4) 2015 c.15. Schedule 5 amended by S.I. 2015/1640, S.I. 2015/1726, the Enterprise Act 2016 (c. 12), section 25(2), the Housing and Planning Act 2016 (c. 22), section 132(4), S.I. 2016/1091, S.I. 2016/1092, S.I. 2016/1093, S.I. 2016/1101, S.I. 2016/1105, S.I. 2016/1152, S.I. 2016/1153, S.I. 2016/1259, S.I. 2017/737 and S.I. 2018/634. There are amendments to other provisions of the Act, but those amendments are not relevant to this regulation.

- (f) in sub-paragraph (5)(a), for “Community infringement” substitute “Schedule 13 infringement”;
- (g) in sub-paragraph (6), for “An EU enforcer” substitute “A Schedule 13 enforcer”.
- (10) In paragraph 32 (power to enter premises with warrant)—
 - (a) in sub-paragraph (3)(b)—
 - (i) for “an EU enforcer” substitute “a Schedule 13 enforcer”;
 - (ii) for “Community infringement as defined in section 212 of the Enterprise Act 2002” substitute “Schedule 13 infringement”;
 - (b) in sub-paragraph (3)(c), for “an EU enforcer” substitute “a Schedule 13 enforcer”.
- (11) In paragraph 41 (compensation)—
 - (a) in sub-paragraph (4), for “an EU enforcer” substitute “a Schedule 13 enforcer”;
 - (b) in sub-paragraph (4)(a), for “Community infringement” substitute “Schedule 13 infringement”.

Amendment of the Data Protection Act 2018

- 5. In Part 2 of Schedule 2 (Exemptions etc from the GDPR) to the Data Protection Act 2018(5)—
 - (a) in the table in paragraph 11, omit row 10 (consumer protection enforcer);
 - (b) in paragraph 12, omit the definitions of “consumer protection enforcer” and “CPC Regulation”.