

Draft Order laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972 and section 211(7) of the Enterprise Act 2002, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No. 0000

CONSUMER PROTECTION

**The Enterprise Act 2002 (Part 8 Domestic Infringements) Order
2013**

Made - - - -

Coming into force - -

6th April 2013

The Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to matters relating to consumer protection(b), makes the following Order in exercise of the powers conferred by section 2(2) of that Act and section 211 of the Enterprise Act 2002(c).

[In accordance with paragraph 2(2) of Schedule 2 to the European Communities Act 1972 and section 211(7) of the Enterprise Act 2002, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.]

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Enterprise Act 2002 (Part 8 Domestic Infringements) Order 2013 and comes into force on 6th April 2013.

(2) In these Regulations, “Payment Surcharges Regulations” means the Consumer Rights (Payment Surcharges) Regulations 2012(d).

Specified infringements

2. Acts or omissions which are a contravention of regulation 4 of the Payment Surcharges Regulations are specified for the purposes of section 211(2) of the Enterprise Act 2002.

(a) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and the European Union (Amendment) Act 2008 (c.7), Schedule 1, Part 1.
(b) Article 2 of, and the Schedule to, the European Communities (Designation) (No. 3) Order 1993 (S.I. 1993/2661).
(c) 2002 c.40.
(d) S.I. 2012/3110.

Amendment to the Payment Surcharges Regulations

3. In regulation 7 of the Payment Surcharges Regulations, at the end of paragraph (4), insert, “and to any enforcement action taken under Part 8 of the Enterprise Act 2002(a).”

Date

Name
Minister for Employment Relations and Consumer Affairs
Department for Business, Innovation and Skills

(a) A number of amendments were made to Part 8 of the Act by the Enterprise Act 2002 (Amendment) Regulations 2006 (SI 2006/3363).

EXPLANATORY NOTE

(This note is not part of the Order)

Part 8 of the Enterprise Act 2002 enables persons and bodies which are general or designated enforcers to seek enforcement orders prohibiting domestic and Community infringements. Section 211(1) of the Act defines a domestic infringement as an act or omission done or made by a person in the course of a business which falls within section 211(2) and harms the collective interests of consumers in the United Kingdom.

Article 2 of this Order specifies acts or omissions which are contraventions of regulation 4 of the Consumer Protection (Payment Surcharges) Regulations 2012 as constituting domestic infringements for the purposes of section 211(2).

Article 3 of this Order amends regulation 7 of the Consumer Rights (Payment Surcharges) Regulations 2012 so that, if it considers it appropriate, an enforcement authority considering a complaint under that provision may have regard to any enforcement action taken under Part 8 of the Enterprise Act 2002. Those Regulations implement Article 19 of Directive 2011/83/EU of the European Parliament and of the Council on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council^(a).

An impact assessment of the effect that the instrument will have on the costs of business, the voluntary sector and the public sector is available from the BIS website at www.bis.gov.uk, and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk. A copy has also been placed in the Libraries of both Houses of Parliament.

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(a) OJ L 304, 22.11.2011, p. 64.

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