



Enterprise Act 2002 (repealed)

2002 CHAPTER 40

PART 8

ENFORCEMENT OF CERTAIN CONSUMER LEGISLATION

Textual Amendments applied to the whole legislation

- F1** Act: for the words "solicitor of the Supreme Court of Northern Ireland" wherever they occur there is substituted (prosp.) the words "solicitor of the Court of Judicature of Northern Ireland" by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148\(1\), Sch. 11 para. 5](#) [Editorial Note: this amendment will be carried through into the text of the Act at the same time as any other effects on the Act for the year in which the relevant commencement order (or first such order) is made]

Interpretation

232 Goods and services

- (1) References in this Part to goods and services must be construed in accordance with this section.
- (2) Goods include—
 - (a) buildings and other structures;
 - (b) ships, aircraft and hovercraft.
- (3) The supply of goods includes—
 - (a) supply by way of sale, lease, hire or hire purchase;
 - (b) in relation to buildings and other structures, construction of them by one person for another.
- (4) Goods or services which are supplied wholly or partly outside the United Kingdom must be taken to be supplied to or for a person in the United Kingdom if they are supplied in accordance with arrangements falling within subsection (5).

Status: Point in time view as at 20/06/2003. This version of this cross heading contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002 (repealed), Cross Heading: . (See end of Document for details)

- (5) Arrangements fall within this subsection if they are made by any means and—
- (a) at the time the arrangements are made the person seeking the supply is in the United Kingdom, or
 - (b) at the time the goods or services are supplied (or ought to be supplied in accordance with the arrangements) the person responsible under the arrangements for effecting the supply is in or has a place of business in the United Kingdom.

233 Person supplying goods

- (1) This section has effect for the purpose of references in this Part to a person supplying or seeking to supply goods under—
 - (a) a hire-purchase agreement;
 - (b) a credit-sale agreement;
 - (c) a conditional sale agreement.
- (2) The references include references to a person who conducts any antecedent negotiations relating to the agreement.
- (3) The following expressions must be construed in accordance with section 189 of the Consumer Credit Act 1974 (c. 39) —
 - (a) hire-purchase agreement;
 - (b) credit-sale agreement;
 - (c) conditional sale agreement;
 - (d) antecedent negotiations.

234 Supply of services

- (1) References in this Part to the supply of services must be construed in accordance with this section.
- (2) The supply of services does not include the provision of services under a contract of service or of apprenticeship whether it is express or implied and (if it is express) whether it is oral or in writing.
- (3) The supply of services includes—
 - (a) performing for gain or reward any activity other than the supply of goods;
 - (b) rendering services to order;
 - (c) the provision of services by making them available to potential users.
- (4) The supply of services includes making arrangements for the use of computer software or for granting access to data stored in any form which is not readily accessible.
- (5) The supply of services includes making arrangements by means of a relevant agreement (within the meaning of section 189(2) of the Broadcasting Act 1990 (c. 42)) for sharing the use of telecommunications apparatus.
- (6) The supply of services includes permitting or making arrangements to permit the use of land in such circumstances as the Secretary of State specifies by order.
- (7) The power to make an order under subsection (6) must be exercised by statutory instrument.

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- (8) But no such order may be made unless a draft of it has been laid before Parliament and approved by a resolution of each House.

235 Injunctions Directive

In this Part the Injunctions Directive is Directive [98/27/EC](#) of the European Parliament and of the Council on injunctions for the protection of consumers' interests.

VALID FROM 08/01/2007

[^{F1}235A CPC Regulation

In this Part—

- (a) the CPC Regulation is Regulation [\(EC\) No. 2006/2004](#) of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws as amended by the Unfair Commercial Practices Directive ^{M1};
- (b) the Unfair Commercial Practices Directive is 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 ^{M2}.

Textual Amendments

- F1** Ss. 235A, 235B inserted (8.1.2007) by [The Enterprise Act 2002 \(Amendment\) Regulations 2006](#) (S.I. 2006/3363), [reg. 20](#)

Marginal Citations

- M1** OJ No. L364, 9.12.2004.
M2 OJ No. L149/22, 11.6.2005.

VALID FROM 08/01/2007

235B Dual enforcers

References in this Part to a general enforcer, a designated enforcer or a CPC enforcer are to be read, in the case of a person or body which is more than one kind of enforcer, as references to that person or body acting in its capacity as a general enforcer, designated enforcer or (as the case may be) CPC enforcer.]

Textual Amendments

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