
STATUTORY INSTRUMENTS

2008 No. 1276

**The Business Protection from
Misleading Marketing Regulations 2008**

PART 1

DEFINITIONS AND PROHIBITIONS

Interpretation

2.—(1) In these Regulations—

“advertising” means any form of representation which is made in connection with a trade, business, craft or profession in order to promote the supply or transfer of a product and “advertiser” shall be construed accordingly;

[^{F1}“CMA” means the Competition and Markets Authority;]

“code owner” means a trader or a body responsible for—

- (a) the formulation and revision of a code of conduct; or
- (b) monitoring compliance with the code by those who have undertaken to be bound by it;

“comparative advertising” means advertising which in any way, either explicitly or by implication, identifies a competitor or a product offered by a competitor;

“court”, in relation to England and Wales and Northern Ireland, means a county court or the High Court, and, in relation to Scotland, the sheriff or the Court of Session;

[^{F2}“DETINI” means the Department of Enterprise, Trade and Investment in Northern Ireland;]

[^{F3}“enforcement authority” means the [^{F4}CMA], every local weights and measures authority, DETINI and GEMA;]

[^{F5}“GEMA” means the Gas and Electricity Markets Authority;]

“goods” includes ships, aircraft, animals, things attached to land and growing crops;

[^{F6}“local weights and measures authority” means a local weights and measures authority in Great Britain (within the meaning of section 69 of the Weights and Measures Act 1985);]

^{F7}

“premises” includes any place and any stall, vehicle, ship or aircraft;

“product” means any goods or services and includes immovable property, rights and obligations;

“ship” includes any boat and any other description of vessel used in navigation; and

“trader” means any person who is acting for purposes relating to his trade, craft, business or profession and anyone acting in the name of or on behalf of a trader.

(2) In the application of these Regulations to Scotland for references to an “injunction” or an “interim injunction” there shall be substituted references to an “interdict” or an “interim interdict” respectively.

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| F1 | Words in reg. 2(1) inserted (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. 34(2)(c) (with art. 3) |
| F2 | Words in reg. 2 inserted (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), 12(2)(a) |
| F3 | Words in reg. 2 substituted (14.11.2013) by The Business Protection from Misleading Marketing (Amendment) Regulations 2013 (S.I. 2013/2701) , regs. 1, 3(a) |
| F4 | Word in reg. 2(1) 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. 34(2)(a) (with art. 3) |
| F5 | Words in reg. 2 inserted (14.11.2013) by The Business Protection from Misleading Marketing (Amendment) Regulations 2013 (S.I. 2013/2701) , regs. 1, 3(b) |
| F6 | Words in reg. 2 inserted (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), 12(2)(c) |
| F7 | Words in reg. 2(1) omitted (1.4.2014) by virtue of 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. 34(2)(b) (with art. 3) |

Changes to legislation:

There are currently no known outstanding effects for the The Business Protection from Misleading Marketing Regulations 2008, Section 2.