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STATUTORY INSTRUMENTS

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**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 <sup>M1</sup>);
- (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);
- [<sup>F1</sup>(b) in subsection (5A), for “(being bodies or persons designated by the Secretary of State under Article 5(1) 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”.
- [<sup>F2</sup>(9A) In section 218ZA (applications), in subsections (1) and (2), for “Community infringement” substitute “Schedule 13 infringement”.
- (9B) In section 218ZB (online interface orders), in subsections (1)(a) and (3), for “Community infringement” substitute “Schedule 13 infringement”.
- (9C) In section 218ZC (interim online interface orders), in subsection (1)(a) and (c), for “Community infringement” substitute “Schedule 13 infringement”.
- (9D) In section 218ZD (online interface orders: supplementary), in subsection (3), for “Community infringements” substitute “Schedule 13 infringements”.]
- [<sup>F3</sup>(10) In section 218A (unfair commercial practices: substantiation of claims)—
- (a) in subsection (1)—
    - (i) for “Community infringement” substitute “Schedule 13 infringement”;
    - (ii) 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”;
  - (b) in subsection (2A)(b), for “Community infringement” substitute “Schedule 13 infringement”.]
- (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”.
- [<sup>F4</sup>(12) In section 219A (definition of enhanced consumer measures)—
- (a) in subsection (2)(a)(ii), for “Community infringement” substitute “Schedule 13 infringement”;

(b) in subsection (5)(c), for “CPC enforcer” substitute “Schedule 13 enforcer”.]

[<sup>F5</sup>(12A) In section 219B (inclusion of enhanced consumer measures etc.), in subsections (4) and (4A), for “Community infringement” substitute “Schedule 13 infringement”.]

[<sup>F6</sup>(13) In section 220 (further proceedings)—

(a) in subsection (2), for “CPC enforcer” substitute “Schedule 13 enforcer”;

(b) in subsection (5A)(b), for “Community infringement” substitute “Schedule 13 infringement”.]

(14) Omit section 221 (Community infringements: proceedings).

(15) In section 222 (bodies corporate: accessories), in subsection (1), for “Community infringement” substitute “Schedule 13 infringement”.

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

[<sup>F7</sup>(17) Omit section 235 (Injunctions Directive) and section 235A (CPC Regulation) (as substituted by the 2020 Regulations).]

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

(19) In section 243 <sup>M2</sup> (overseas disclosures), in subsection (12)(c), for “an order under section 212(3)” substitute “Schedule 13”.

[<sup>F8</sup>(20) For Schedule 13 (Listed Directives and Regulations) (as amended by the 2020 Regulations), substitute the Schedule set out in the Schedule to these Regulations.]

#### Textual Amendments

- F1** Reg. 3(4)(b) substituted (31.12.2020 immediately before IP completion day) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1347\)](#), regs. 1(3), **3(3)(a)**
- F2** Reg. 3(9A)-(9D) inserted (31.12.2020 immediately before IP completion day) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1347\)](#), regs. 1(3), **3(3)(b)**
- F3** Reg. 3(10) substituted (31.12.2020 immediately before IP completion day) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1347\)](#), regs. 1(3), **3(3)(c)**
- F4** Reg. 3(12) substituted (31.12.2020 immediately before IP completion day) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1347\)](#), regs. 1(3), **3(3)(d)**
- F5** Reg. 3(12A) inserted (31.12.2020 immediately before IP completion day) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1347\)](#), regs. 1(3), **3(3)(e)**
- F6** Reg. 3(13) substituted (31.12.2020 immediately before IP completion day) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1347\)](#), regs. 1(3), **3(3)(f)**
- F7** Reg. 3(17) substituted (31.12.2020 immediately before IP completion day) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1347\)](#), regs. 1(3), **3(3)(g)**
- F8** Reg. 3(20) substituted (31.12.2020 immediately before IP completion day) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1347\)](#), regs. 1(3), **3(3)(h)**

**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Consumer Protection (Enforcement) (Amendment etc.) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)

#### Commencement Information

- I1** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### Marginal Citations

- M1** [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.
- M2** Section 243 amended by the [Financial Services Act 2012 \(c. 21\)](#), [section 114\(2\)](#), [Schedule 19](#).

### Amendment of the Consumer Rights Act 2015

**4.—(1)** Schedule 5 (investigatory powers etc.) to the Consumer Rights Act 2015 <sup>M3</sup> 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 [<sup>F9</sup>(as amended by the 2020 Regulations)] 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 ”;

[<sup>F10</sup>(da) in sub-paragraph (3A), for “An EU enforcer” substitute “A Schedule 13 enforcer”];

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

(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 ”.

#### Textual Amendments

- F9** Words in reg. 4(4) inserted (31.12.2020 immediately before IP completion day) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1347\)](#), regs. 1(3), [3\(4\)\(a\)](#)
- F10** Reg. 4(9)(da) inserted (31.12.2020 immediately before IP completion day) by [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1347\)](#), regs. 1(3), [3\(4\)\(b\)](#)

#### Commencement Information

- I2** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### Marginal Citations

- M3** [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.

### 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 <sup>M4</sup>—
- (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”.

#### Commencement Information

- I3** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

#### Marginal Citations

- M4** [2018 c.12](#).

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Consumer Protection (Enforcement) (Amendment etc.) (EU Exit) Regulations 2019, PART 2.