

SCHEDULES

SCHEDULE 6

Section 77

INVESTIGATORY POWERS: CONSEQUENTIAL AMENDMENTS

Registered Designs Act 1949 (c. 88)

- 1 (1) Section 35ZB of the Registered Designs Act 1949 (enforcement) is amended as follows.
 - (2) Omit subsection (1).
 - (3) Before subsection (2) insert—
 - “(1A) For the investigatory powers available to a local weights and measures authority or the Department of Enterprise, Trade and Investment in Northern Ireland for the purposes of the enforcement of section 35ZA, see Schedule 5 to the Consumer Rights Act 2015.”

Trade Descriptions Act 1968 (c. 29)

- 2 The Trade Descriptions Act 1968 is amended as follows.
- 3 In section 26 (enforcing authorities) after subsection (1) insert—
 - “(1A) For the investigatory powers available to a local weights and measures authority for the purposes of the duty in subsection (1), see Schedule 5 to the Consumer Rights Act 2015.”
- 4 Omit section 27 (power to make test purchases).
- 5 Omit section 28 (power to enter premises and inspect and seize goods and documents).
- 6 Omit section 29 (obstruction of authorised officers).
- 7 Omit section 30 (notice of test and intended prosecution).
- 8 Omit section 33 (compensation for loss, etc of goods seized under section 28).
- 9 (1) Section 40 (provisions as to Northern Ireland) is amended as follows.
 - (2) In subsection (1), omit paragraph (c).
 - (3) After subsection (1) insert—
 - “(1A) For the investigatory powers available to the Department of Enterprise, Trade and Investment in Northern Ireland for the purposes of the duty in subsection (1)(b), see Schedule 5 to the Consumer Rights Act 2015.”

Hallmarking Act 1973 (c. 43)

- 10 (1) Section 9 of the Hallmarking Act 1973 (enforcement of Act) is amended as follows.

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(2) After subsection (2) insert—

“(2A) For the investigatory powers available to a local weights and measures authority, the Council and an assay office for the purposes of the duty in subsection (1) and the power in subsection (2), see Schedule 5 to the Consumer Rights Act 2015.”

(3) Omit subsections (3), (4) and (7).

Prices Act 1974 (c. 24)

11 (1) The Schedule to the Prices Act 1974 (enforcement) is amended as follows.

(2) Omit paragraphs 3, 7, 9 and 10.

(3) In paragraph 14(1) omit “and paragraph 10 above shall be omitted”.

(4) After paragraph 14 insert—

“15 For the investigatory powers available to a local weights and measures authority or the Department of Enterprise, Trade and Investment in Northern Ireland for the purposes of the duty in paragraph 6, see Schedule 5 to the Consumer Rights Act 2015.”

Consumer Credit Act 1974 (c. 39)

12 The Consumer Credit Act 1974 is amended as follows.

13 In section 161 (enforcement authorities), after subsection (1A) insert—

“(1B) For the investigatory powers available to a local weights and measures authority or the Department of Enterprise, Trade and Investment in Northern Ireland for the purposes of the duty in subsection (1), see Schedule 5 to the Consumer Rights Act 2015.”

14 Omit section 162 (powers of entry and inspection).

15 Omit section 163 (compensation for loss).

16 Omit section 164 (power to make test purchases etc).

17 Omit section 165 (obstruction of authorised officers).

18 In Schedule 1 (prosecution and punishment of offences) omit the entries for sections 162(6), 165(1) and 165(2).

Estate Agents Act 1979 (c. 38)

19 The Estate Agents Act 1979 is amended as follows.

20 In section 3(1)(cb) (power to make orders prohibiting unfit persons from doing estate agency work: failure to comply with section 9(1) or 11(1A)(b)) for “section 9(1) or 11(1A)(b) below” substitute “paragraph 14 or 27 of Schedule 5 to the Consumer Rights Act 2015”.

21 In section 9 (information for the lead enforcement authority) omit subsections (1) to (4).

22 Omit section 11 (powers of entry and inspection).

- 23 Omit section 11A (failure to produce information).
- 24 In section 26 (enforcement authorities), after subsection (1) insert—
- “(1A) For the investigatory powers available to an authority for the purposes of the duty in subsection (1), see Schedule 5 to the Consumer Rights Act 2015.”
- 25 Omit section 27 (obstruction and personation of authorised officers).
- 26 (1) Paragraph 14 of Schedule 2 (applications under sections 6(1) and 8(3)) is amended as follows.
- (2) For “section 9 of this Act” substitute “paragraph 14 of Schedule 5 to the Consumer Rights Act 2015”.
- (3) Omit “or the production of documents”.

Video Recordings Act 1984 (c. 39)

- 27 (1) Section 16A of the Video Recordings Act 1984 (enforcement) is amended as follows.
- (2) Omit subsections (1A), (1B) and (2).
- (3) In subsection (4)—
- (a) for “Subsections (1) and (1A)” substitute “Subsection (1)”, and
- (b) omit the words from “For that purpose” to the end of the subsection.
- (4) After that subsection insert—
- “(4ZA) For the investigatory powers available to a local weights and measures authority or the Department of Enterprise, Trade and Investment in Northern Ireland for the purposes of the functions in this section, see Schedule 5 to the Consumer Rights Act 2015.”
- (5) Omit subsection (4A).

Weights and Measures Act 1985 (c. 72)

- 28 The Weights and Measures Act 1985 is amended as follows.
- 29 In section 38(2) (special powers of inspectors with respect to certain goods) for “section 79 below” substitute “Schedule 5 to the Consumer Rights Act 2015”.
- 30 Omit section 42 (power to make test purchases).
- 31 Omit section 79 (general powers of inspection and entry).
- 32 Before section 80 insert—
- “79A Investigatory powers**
- For the investigatory powers available to a local weights and measures authority for the purposes of the enforcement of this Act, see Schedule 5 to the Consumer Rights Act 2015.”
- 33 In section 80 omit “or the packaged goods regulations”.
- 34 In section 81(1)(b) (failure to provide assistance or information) omit “or under this Part of this Act”.

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- 35 (1) Section 84 (penalties) is amended as follows.
- (2) In subsection (2), after the entry for section 20(8) insert—
 “section 80;
 section 81(1);
 section 81(2);”.
- (3) Omit subsection (5).
- 36 In paragraph 21(2)(b) of Schedule 11 (application of provisions applying to inspectors to persons authorised under the Weights and Measures Act 1963) omit “and except in section 79(3)”.

Consumer Protection Act 1987 (c. 43)

- 37 The Consumer Protection Act 1987 is amended as follows.
- 38 In section 27 (enforcement) after subsection (3) insert—
 “(3A) For the investigatory powers available to a person for the purposes of the duty imposed by subsection (1), see Schedule 5 to the Consumer Rights Act 2015 (as well as section 29).”
- 39 Omit section 28 (test purchases).
- 40 (1) Section 29 (powers of search etc) is amended as follows.
- (2) In subsection (1) for “any of the powers conferred by the following provisions of this section” substitute “the power conferred by subsection (4)”.
- (3) Omit subsections (2), (3), (5) and (6).
- (4) In subsection (7) omit—
 (a) “, (5) or (6)”, and
 (b) “or records”.
- 41 (1) Section 30 (provisions supplemental to section 29) is amended as follows.
- (2) In subsection (1)—
 (a) for “29” substitute “29(4)”, and
 (b) omit “or records” in both places.
- (3) In subsection (2)(a)(i)—
 (a) omit “goods or”, and
 (b) for “29” substitute “29(4)”.
- (4) In subsection (3) omit “section 29 above or”.
- (5) In each of subsections (5), (6) and (7) for “29” substitute “29(4)”.
- 42 In section 31(1) (power of customs officer to detain goods) for “or under this Part” substitute “section 29(4) of this Act or Schedule 5 to the Consumer Rights Act 2015”.
- 43 In section 32(1) (obstruction of authorised officer)—
 (a) in paragraph (a)—
 (i) for “any provision of this Part” substitute “section 29(4)”, and
 (ii) for “so acting” substitute “acting in pursuance of section 31”,

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- (b) in paragraph (b) for “any provision of this Part” substitute “section 29(4)”,
and
- (c) in paragraph (c) for “any provision of this Part” substitute “section 29(4)”.
44 In section 33(1) (appeals against detention of goods) for “any provision of this Part”
substitute “section 29(4)”.
- 45 In section 34(1) (compensation for seizure and detention) for “29” substitute “29(4)”.
- 46 In section 44(4) (service of documents)—
 - (a) omit “28(2) or”, and
 - (b) omit “purchased or” in each place.

Education Reform Act 1988 (c. 40)

- 47 (1) Section 215 of the Education Reform Act 1988 (unrecognised degrees: enforcement)
is amended as follows.
 - (2) After that section insert—
 - “(1A) For the investigatory powers available to a local weights and measures
authority for the purposes of the duty to enforce imposed by subsection (1),
see Schedule 5 to the Consumer Rights Act 2015.”
 - (3) Omit subsections (2) to (8).

Copyright, Designs and Patents Act 1988 (c. 48)

- 48 The Copyright, Designs and Patents Act 1988 is amended as follows.
- 49 (1) Section 107A (enforcement of section 107 by local weights and measures authority)
is amended as follows.
 - (2) Omit subsection (2).
 - (3) In subsection (3) omit the words from “For that purpose” to the end of the subsection.
 - (4) After that subsection insert—
 - “(3A) For the investigatory powers available to a local weights and measures
authority or the Department of Enterprise, Trade and Investment in Northern
Ireland for the purposes of the duties in this section, see Schedule 5 to the
Consumer Rights Act 2015.”
- 50 (1) Section 198A (enforcement of section 198 by local weights and measures authority)
is amended as follows.
 - (2) Omit subsection (2).
 - (3) In subsection (3) omit the words from “For that purpose” to the end of the subsection.
 - (4) After that subsection insert—
 - “(3A) For the investigatory powers available to a local weights and measures
authority or the Department of Enterprise, Trade and Investment in Northern
Ireland for the purposes of the duties in this section, see Schedule 5 to the
Consumer Rights Act 2015.”

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Clean Air Act 1993 (c. 11)

- 51 The Clean Air Act 1993 is amended as follows.
- 52 (1) Section 30 (regulations about motor fuel) is amended as follows.
- (2) Omit subsection (5).
- (3) Before subsection (6) insert—
- “(5A) For the investigatory powers available to a local weights and measures authority for the purposes of the duty in subsection (4), see Schedule 5 to the Consumer Rights Act 2015.”
- (4) Omit subsection (8).
- (5) Before subsection (9) insert—
- “(8A) For the investigatory powers available to the Department of Enterprise, Trade and Investment in Northern Ireland for the purposes of the duty in subsection (7), see Schedule 5 to the Consumer Rights Act 2015.”
- 53 In section 31 (regulations about sulphur content of oil fuel for furnaces or engines) after subsection (4) insert—
- “(4A) For the investigatory powers available to a local authority for the purposes of the duty in subsection (4)(a), see Schedule 5 to the Consumer Rights Act 2015.”
- 54 In section 32(4) (powers of entry not to apply in relation to persons in the public service of the Crown) for “sections 56 to 58 (rights of entry and inspection and other local authority powers)” substitute “Schedule 5 to the Consumer Rights Act 2015 (investigatory powers)”.
- 55 In section 49(1) (unjustified disclosures of information) after “this Act” insert “or in the exercise of a power in Schedule 5 to the Consumer Rights Act 2015 for the purposes of the duty in section 30(4) or (7) or 31(4)(a) of this Act”.
- 56 In section 56 (rights of entry and inspection etc) after subsection (6) insert—
- “(7) This section does not apply in relation to—
- (a) a function conferred on a local authority by Part 4, or
- (b) a provision of an instrument made under that Part.”
- 57 In section 58(1) (power of local authorities to obtain information)—
- (a) omit “IV or”, and
- (b) for “those Parts” substitute “that Part”.

Sunday Trading Act 1994 (c. 20)

- 58 (1) Part 1 of Schedule 2 to the Sunday Trading Act 1994 (general enforcement provisions) is amended as follows.
- (2) Omit paragraphs 3 and 4.
- (3) Before paragraph 5 insert—

“Investigatory powers

- 4A For the investigatory powers available to a local authority and the inspectors appointed by it under paragraph 2 for the purposes of the duty in paragraph 1, see Schedule 5 to the Consumer Rights Act 2015.”

Trade Marks Act 1994 (c. 26)

- 59 (1) Section 93 of the Trade Marks Act 1994 (enforcement function of local weights and measures authority) is amended as follows.
- (2) Omit subsection (2).
- (3) In subsection (3) omit the words from “For that purpose” to the end of the subsection.
- (4) After that subsection insert—
- “(3A) For the investigatory powers available to a local weights and measures authority or the Department of Enterprise, Trade and Investment in Northern Ireland for the purposes of the duties in this section, see Schedule 5 to the Consumer Rights Act 2015.”

Olympic Symbol etc (Protection) Act 1995 (c. 32)

- 60 (1) Section 8A of the Olympic Symbol etc (Protection) Act 1995 is amended as follows.
- (2) Omit subsection (2).
- (3) In subsection (3) omit paragraph (b) and the “and” immediately preceding that paragraph.
- (4) After that subsection insert—
- “(3A) For the investigatory powers available to a local weights and measures authority or the Department of Enterprise, Trade and Investment in Northern Ireland for the purposes of the powers in this section, see Schedule 5 to the Consumer Rights Act 2015.”

Criminal Justice and Police Act 2001 (c. 16)

- 61 The Criminal Justice and Police Act 2001 is amended as follows.
- 62 In section 57(1) (retention of seized items)—
- (a) omit paragraphs (d), (g) and (pa), and
- (b) after paragraph (r) insert—
- “(s) paragraphs 28(7) and 29(8) of Schedule 5 to the Consumer Rights Act 2015”.
- 63 (1) Section 65 (meaning of legal privilege) is amended as follows.
- (2) Omit subsections (6) and (8A).
- (3) Before subsection (9) insert—
- “(8B) An item which is, or is comprised in, property which has been seized in exercise or purported exercise of the power of seizure conferred by

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paragraph 27(1)(b) or 29(1) of Schedule 5 to the Consumer Rights Act 2015 shall be taken for the purposes of this Part to be an item subject to legal privilege if, and only if, the seizure of that item was in contravention of paragraph 27(6) or (as the case may be) 29(6) of that Schedule (privileged documents).”

- (4) In subsection (9)—
- (a) omit paragraph (c),
 - (b) at the end of paragraph (d) insert “or”, and
 - (c) omit paragraph (f) and the “or” immediately preceding that paragraph.
- 64 In section 66(4) (construction of references to a search)—
- (a) omit paragraphs (a), (c), (d), (e), (f), (g), (ma), (q), (r) and (s),
 - (b) in paragraph (h) for “29” substitute “29(4)”,
 - (c) in paragraph (o) for “22” substitute “22(4)”, and
 - (d) after paragraph (p) insert—
 - “(t) Part 4 of Schedule 5 to the Consumer Rights Act 2015”.
- 65 (1) Part 1 of Schedule 1 (powers to which section 50 applies) is amended as follows.
- (2) Omit—
- (a) paragraph 9,
 - (b) paragraph 16,
 - (c) paragraph 18,
 - (d) paragraph 19,
 - (e) paragraph 24,
 - (f) paragraph 36,
 - (g) paragraph 73BA,
 - (h) the first paragraph 73G,
 - (i) the second paragraph 73J,
 - (j) the second paragraph 73K,
 - (k) paragraph 73N, and
 - (l) paragraph 73O.
- (3) In paragraph 45 for “29(4), (5) and (6)” substitute “29(4)”.
- (4) In the second paragraph 73G for “22(4) to (6)” substitute “22(4)”.
- (5) After paragraph 73M insert—
- “Consumer Rights Act 2015*
- 73P Each of the powers of seizure conferred by paragraphs 27(1)(b), 28(1) and 29(1) of Schedule 5 to the Consumer Rights Act 2015.”
- 66 (1) Part 1 of Schedule 2 (application of enactments) is amended as follows.
- (2) Omit paragraphs 1, 4B, 4C, 5, 7, 9B and 9C.
- (3) In paragraph 3 for “29” in each place substitute “29(4)”.
- (4) In paragraph 4A—
- (a) for “23” substitute “22(4)”, and

(b) for “22” substitute “22(4)”.

(5) After paragraph 4A insert—

“4D Paragraph 39 of Schedule 5 to the Consumer Rights Act 2015 (notice of testing of goods) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by paragraph 28(1) of that Schedule as it applies in relation to goods seized under that paragraph.

Access to seized items

4E Subject to section 61 of this Act, paragraph 38 of Schedule 5 to the Consumer Rights Act 2015 (access to seized goods and documents) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by paragraph 28(1) or 29(1) of that Schedule as it applies in relation to things seized under Part 4 of that Schedule.”

(6) In paragraph 8 for “29” in each place substitute “29(4)”.

(7) In paragraph 9A—

- (a) for the first “22” substitute “22(4)”, and
- (b) for “products under regulations 22 of those Regulations.” substitute “those items, as it applies to the seizure and detention of products under regulation 22(4) of those Regulations.”

(8) After paragraph 9A insert—

“9D Paragraph 41 of Schedule 5 to the Consumer Rights Act 2015 (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by paragraph 28(1) or 29(1) of that Schedule, and the retention of those items, as it applies in relation to the seizure and detention of goods under Part 4 of that Schedule.”

Enterprise Act 2002 (c. 40)

- 67 The Enterprise Act 2002 is amended as follows.
- 68 Omit section 224 (power of CMA to require the provision of information).
- 69 Omit section 225 (power of other enforcer to require the provision of information).
- 70 Omit section 226 (procedure for notices requiring information).
- 71 Omit section 227 (enforcement of notices).
- 72 Omit section 227A (power to enter premises without warrant).
- 73 Omit section 227B (powers exercisable on the premises).
- 74 Omit section 227C (power to enter premises with warrant).
- 75 Omit section 227D (ancillary provisions about powers of entry).
- 76 Omit section 227E (obstructing, or failing to co-operate with, powers of entry).
- 77 Omit section 227F (retention of documents and goods).

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78 Before section 228 (but after the italic heading “Miscellaneous”) insert—

“223A Investigatory powers

For the investigatory powers available to enforcers for the purposes of enforcers’ functions under this Part, see Schedule 5 to the Consumer Rights Act 2015.”

79 In section 228 (evidence) omit subsection (4).

80 In section 236 (application of Part 8 to Crown) omit subsection (2).

81 In Schedule 14 (specified functions for the purposes of Part 9 restrictions on disclosure), at the end insert—

“Paragraph 13(2), (3) or (7) of Schedule 5 to the Consumer Rights Act 2015.”

Fireworks Act 2003 (c. 22)

82 (1) Section 12 of the Fireworks Act 2003 (enforcement) is amended as follows.

(2) In subsection (2)—

(a) omit paragraph (a), and

(b) in paragraph (b), for “29(1) to (5), (6)(a) and (7)” substitute “29(4) and (7)”.

(3) After subsection (2) insert—

“(2A) For the investigatory powers available to a person for the purposes of the duty to enforce imposed by virtue of subsection (1) (in addition to the powers in Part 4 of the Consumer Protection Act 1987), see Schedule 5 to the Consumer Rights Act 2015.”

Christmas Day (Trading) Act 2004 (c. 26)

83 (1) Section 3 of the Christmas Day (Trading) Act 2004 (enforcement) is amended as follows.

(2) Omit subsection (3).

(3) Before subsection (4) insert—

“(3A) For the powers available to a local authority and the inspectors appointed by it under subsection (3) for the purposes of the duty in subsection (1), see Schedule 5 to the Consumer Rights Act 2015.”

Financial Services Act 2012 (c. 21)

84 (1) Section 107 of the Financial Services Act 2012 (power to make further provision about regulation of consumer credit) is amended as follows.

(2) In subsection (2) omit paragraph (g).

(3) In subsection (4) for “(2)(g) to (i)” substitute “(2)(h) and (i)”.

Consequential repeals and revocations

- 85 In consequence of the amendments made by this Schedule, the following are repealed or revoked—
- (a) section 16(2)(b) of the Price Commission Act 1977;
 - (b) article 2(13) of the Deregulation (Weights and Measures) Order 1999 ([SI 1999/503](#));
 - (c) paragraph 9(8)(b) and (9)(a) of Schedule 25 to the Enterprise Act 2002;
 - (d) paragraphs 50 and 62 of Schedule 27 to the Civil Partnerships Act 2004;
 - (e) paragraphs (10) and (24) to (27) of Schedule 1 to the Weights and Measures (Packaged Goods) Regulations 2006 ([SI 2006/659](#));
 - (f) regulations 15 to 18 and 24 to 28 of the Enterprise Act 2002 (Amendment) Regulations 2006 ([SI 2006/3363](#));
 - (g) section 51(2) of the Consumer Credit Act 2006;
 - (h) paragraph 41 of Schedule 21 to the Legal Services Act 2007;
 - (i) sections 57 and 58(1), (3) and (4) of the Consumers, Estate Agents and Redress Act 2007;
 - (j) paragraphs 63 to 65 of Schedule 2 to the Consumer Protection from Unfair Trading Regulations 2008 ([SI 2008/1277](#));
 - (k) paragraph 2 of Schedule 6 to the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 ([SI 2010/2960](#));
 - (l) regulation 2 of the Timeshare (Amendment) Regulations 2011 ([SI 2011/1065](#));
 - (m) paragraphs 17 to 20 of Schedule 1 to the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011 ([SR 2011/331](#));
 - (n) paragraph 82(a) of Schedule 9 to the Crime and Courts Act 2013.