



Enterprise Act 2002

CHAPTER 40

ENTERPRISE ACT 2002

PART 1

THE OFFICE OF FAIR TRADING

Establishment of OFT

- 1 The Office of Fair Trading
- 2 The Director General of Fair Trading
- 3 Annual plan
- 4 Annual and other reports

General functions of OFT

- 5 Acquisition of information etc.
- 6 Provision of information etc. to the public
- 7 Provision of information and advice to Ministers etc.
- 8 Promoting good consumer practice

Miscellaneous

- 9 Repeal of certain powers of direction
- 10 Part 2 of the 1973 Act
- 11 Super-complaints to OFT

PART 2

THE COMPETITION APPEAL TRIBUNAL

The Competition Appeal Tribunal

- 12 The Competition Appeal Tribunal

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- 13 The Competition Service
- 14 Constitution of Tribunal for particular proceedings and its decisions
- 15 Tribunal rules
- 16 Transfers of certain proceedings to and from Tribunal

Proceedings under Part 1 of 1998 Act

- 17 Third party appeals
- 18 Monetary claims
- 19 Claims on behalf of consumers

Other amendments of 1998 Act

- 20 Findings of infringements
- 21 Amendment of 1998 Act relating to the Tribunal

PART 3

MERGERS

CHAPTER 1

DUTY TO MAKE REFERENCES

Duty to make references: completed mergers

- 22 Duty to make references in relation to completed mergers
- 23 Relevant merger situations
- 24 Time-limits and prior notice
- 25 Extension of time-limits
- 26 Enterprises ceasing to be distinct enterprises
- 27 Time when enterprises cease to be distinct
- 28 Turnover test
- 29 Obtaining control by stages
- 30 Relevant customer benefits
- 31 Information powers in relation to completed mergers
- 32 Supplementary provision for purposes of sections 25 and 31

Duty to make references: anticipated mergers

- 33 Duty to make references in relation to anticipated mergers
- 34 Supplementary provision in relation to anticipated mergers

Cases referred by European Commission under EC Merger Regulation

- 34A Duty of OFT where case referred by the European Commission
- 34B Power to request information in referred cases

Determination of references

- 35 Questions to be decided in relation to completed mergers
- 36 Questions to be decided in relation to anticipated mergers
- 37 Cancellation and variation of references under section 22 or 33
- 38 Investigations and reports on references under section 22 or 33
- 39 Time-limits for investigations and reports
- 40 Section 39: supplementary
- 41 Duty to remedy effects of completed or anticipated mergers

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CHAPTER 2

PUBLIC INTEREST CASES

Power to make references

- 42 Intervention by Secretary of State in certain public interest cases
- 43 Intervention notices under section 42
- 44 Investigation and report by OFT
- 44A Additional investigation and report by OFCOM: media mergers
- 45 Power of Secretary of State to refer matter to Commission
- 46 References under section 45: supplementary

Cases referred by European Commission under the EC Merger Regulation

- 46A Cases referred by the European Commission where intervention notice is in force
- 46B Extension of preliminary assessment period
- 46C Power to request information in referred cases

Reports on references

- 47 Questions to be decided on references under section 45
- 48 Cases where references or certain questions need not be decided
- 49 Variation of references under section 45
- 50 Investigations and reports on references under section 45
- 51 Time-limits for investigations and reports by Commission
- 52 Section 51: supplementary
- 53 Restrictions on action where public interest considerations not finalised

Decisions of the Secretary of State

- 54 Decision of Secretary of State in public interest cases
- 55 Enforcement action by Secretary of State

Other

- 56 Competition cases where intervention on public interest grounds ceases
- 57 Duties of OFT and Commission to inform Secretary of State
- 58 Specified considerations
- 58A Construction of consideration specified in section 58(2C)

CHAPTER 3

OTHER SPECIAL CASES

Special public interest cases

- 59 Intervention by Secretary of State in special public interest cases
- 59A Construction of conditions in section 59(3C) and (3D)
- 60 Special intervention notices under section 59
- 61 Initial investigation and report by OFT
- 61A Additional investigation and report by OFCOM: certain media mergers
- 62 Power of Secretary of State to refer the matter
- 63 Questions to be decided on references under section 62
- 64 Cancellation and variation of references under section 62

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- 65 Investigations and reports on references under section 62
- 66 Decision and enforcement action by Secretary of State

European mergers

- 67 Intervention to protect legitimate interests
- 68 Scheme for protecting legitimate interests

Other

- 69 Newspaper mergers
- 70 Water mergers

CHAPTER 4

ENFORCEMENT

Powers exercisable before references under section 22 or 33

- 71 Initial undertakings: completed mergers
- 72 Initial enforcement orders: completed mergers
- 73 Undertakings in lieu of references under section 22 or 33
- 74 Effect of undertakings under section 73
- 75 Order-making power where undertakings under section 73 not fulfilled etc.
- 76 Supplementary interim order-making power

Interim restrictions and powers

- 77 Restrictions on certain dealings: completed mergers
- 78 Restrictions on certain share dealings: anticipated mergers
- 79 Sections 77 and 78: further interpretation provisions
- 80 Interim undertakings
- 81 Interim orders

Final powers

- 82 Final undertakings
- 83 Order-making power where final undertakings not fulfilled
- 84 Final orders

Public interest and special public interest cases

- 85 Enforcement regime for public interest and special public interest cases

Undertakings and orders: general provisions

- 86 Enforcement orders: general provisions
- 87 Delegated power of directions
- 88 Contents of certain enforcement orders
- 89 Subject-matter of undertakings
- 90 Procedural requirements for certain undertakings and orders
- 91 Register of undertakings and orders

Enforcement functions of OFT

- 92 Duty of OFT to monitor undertakings and orders

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93 Further role of OFT in relation to undertakings and orders

Other

94 Rights to enforce undertakings and orders

95 Rights to enforce statutory restrictions

CHAPTER 5

SUPPLEMENTARY

Merger notices

96 Merger notices

97 Period for considering merger notices

98 Section 97: supplementary

99 Certain functions of OFT and Secretary of State in relation to merger notices

100 Exceptions to protection given by merger notices

101 Merger notices: regulations

102 Power to modify sections 97 to 101

General duties in relation to references

103 Duty of expedition in relation to references

104 Certain duties of relevant authorities to consult

104A Public consultation in relation to media mergers

Information and publicity requirements

105 General information duties of OFT and Commission

106 Advice and information about references under sections 22 and 33

106A Advice and information in relation to media mergers

106B General advisory functions of OFCOM

107 Further publicity requirements

108 Defamation

Investigation powers

109 Attendance of witnesses and production of documents etc.

110 Enforcement of powers under section 109: general

111 Penalties

112 Penalties: main procedural requirements

113 Payments and interest by instalments

114 Appeals in relation to penalties

115 Recovery of penalties

116 Statement of policy

117 False or misleading information

Reports

118 Excisions from reports

119 Minority reports of Commission

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Further provision about media mergers

- 119A Other general functions of OFCOM in relation to this Part
- 119B Monitoring role for OFT in relation to media mergers

Miscellaneous

- 120 Review of decisions under Part 3
- 121 Fees
- 122 Primacy of EU law
- 123 Power to alter share of supply test

Other

- 124 Orders and regulations under Part 3
- 125 Offences by bodies corporate
- 126 Service of documents
- 127 Associated persons
- 128 Supply of services and market for services etc.
- 129 Other interpretation provisions
- 130 Index of defined expressions

PART 4

MARKET INVESTIGATIONS

CHAPTER 1

MARKET INVESTIGATION REFERENCES

Making of references

- 131 Power of OFT to make references
- 132 Ministerial power to make references
- 133 Contents of references

Determination of references

- 134 Questions to be decided on market investigation references
- 135 Variation of market investigation references
- 136 Investigations and reports on market investigation references
- 137 Time-limits for market investigations and reports
- 138 Duty to remedy adverse effects

CHAPTER 2

PUBLIC INTEREST CASES

Intervention notices

- 139 Public interest intervention by Secretary of State

Intervention notices under section 139(1)

- 140 Intervention notices under section 139(1)
- 141 Questions to be decided by Commission
- 142 Investigations and reports by Commission

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- 143 Publication etc. of reports of Commission
- 144 Time-limits for investigations and reports: Part 4
- 145 Restrictions where public interest considerations not finalised: Part 4
- 146 Decision of Secretary of State
- 147 Remedial action by Secretary of State
- 148 Reversion of the matter to the Commission

Intervention notices under section 139(2)

- 149 Intervention notices under section 139(2)
- 150 Power of veto of Secretary of State

Other

- 151 Further interaction of intervention notices with general procedure
- 152 Certain duties of OFT and Commission
- 153 Specified considerations: Part 4

CHAPTER 3

ENFORCEMENT

Undertakings and orders

- 154 Undertakings in lieu of market investigation references
- 155 Undertakings in lieu: procedural requirements
- 156 Effect of undertakings under section 154
- 157 Interim undertakings: Part 4
- 158 Interim orders: Part 4
- 159 Final undertakings: Part 4
- 160 Order-making power where final undertakings not fulfilled: Part 4
- 161 Final orders: Part 4

Enforcement functions of OFT

- 162 Duty of OFT to monitor undertakings and orders: Part 4
- 163 Further role of OFT in relation to undertakings and orders: Part 4

Supplementary

- 164 Enforcement undertakings and orders under this Part: general provisions
- 165 Procedural requirements for certain undertakings and orders: Part 4
- 166 Register of undertakings and orders: Part 4
- 167 Rights to enforce undertakings and orders under this Part

CHAPTER 4

SUPPLEMENTARY

Regulated markets

- 168 Regulated markets

Consultation, information and publicity

- 169 Certain duties of relevant authorities to consult: Part 4

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- 170 General information duties
- 171 Advice and information: Part 4
- 172 Further publicity requirements: Part 4
- 173 Defamation: Part 4

Investigation powers

- 174 Investigation powers of OFT
- 175 Enforcement of powers under section 174: offences
- 176 Investigation powers of the Commission

Reports

- 177 Excisions from reports: Part 4
- 178 Minority reports of Commission: Part 4

Other

- 179 Review of decisions under Part 4
- 180 Offences
- 181 Orders under Part 4
- 182 Service of documents: Part 4
- 183 Interpretation: Part 4
- 184 Index of defined expressions: Part 4

PART 5

THE COMPETITION COMMISSION

- 185 The Commission
- 186 Annual report of Commission
- 187 Commission rules of procedure

PART 6

CARTEL OFFENCE

Cartel offence

- 188 Cartel offence
- 189 Cartel offence: supplementary
- 190 Cartel offence: penalty and prosecution
- 191 Extradition

Criminal investigations by OFT

- 192 Investigation of offences under section 188
- 193 Powers when conducting an investigation
- 194 Power to enter premises under a warrant
- 195 Exercise of powers by authorised person
- 196 Privileged information etc.
- 197 Restriction on use of statements in court
- 198 Use of statements obtained under Competition Act 1998
- 199 Surveillance powers
- 200 Authorisation of action in respect of property
- 201 Offences
- 202 Interpretation of sections 192 to 201

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PART 7

MISCELLANEOUS COMPETITION PROVISIONS

Powers of entry under 1998 Act

203 Powers of entry

Directors disqualification

204 Disqualification

Miscellaneous

205 Super-complaints to regulators other than OFT
206 Power to modify Schedule 8
207 Repeal of Schedule 4 to the 1998 Act
208 Repeal of Part 6 of Fair Trading Act 1973
209 Reform of EU competition law

PART 8

ENFORCEMENT OF CERTAIN CONSUMER LEGISLATION

Introduction

210 Consumers
211 Domestic infringements
212 Community infringements
213 Enforcers

Enforcement procedure

214 Consultation
215 Applications
216 Applications: directions by OFT
217 Enforcement orders
218 Interim enforcement order
218A Unfair commercial practices: substantiation of claims
219 Undertakings
220 Further proceedings
221 Community infringements: proceedings
222 Bodies corporate: accessories
223 Bodies corporate: orders

Information

224 OFT
225 Other enforcers
226 Notices: procedure
227 Notices: enforcement
227A Power to enter premises without warrant
227B Powers exercisable on the premises
227C Power to enter premises with warrant
227D Ancillary provisions about powers of entry
227E Obstructing, or failing to co-operate with, powers of entry
227F Retention of documents and goods

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Miscellaneous

- 228 Evidence
- 229 Advice and information
- 230 Notice to OFT of intended prosecution
- 231 Notice of convictions and judgments to OFT
- 232 Goods and services
- 233 Person supplying goods
- 234 Supply of services
- 235 Injunctions Directive
- 235A CPC Regulation
- 235B Dual enforcers

Crown

- 236 Crown

PART 9

INFORMATION

Restrictions on disclosure

- 237 General restriction
- 238 Information

Permitted disclosure

- 239 Consent
- 240 EU obligations
- 241 Statutory functions
- 241A Civil proceedings
- 242 Criminal proceedings
- 243 Overseas disclosures
- 244 Specified information: considerations relevant to disclosure

Offences

- 245 Offences

General

- 246 Subordinate legislation
- 247 Repeals

PART 10

INSOLVENCY

Companies etc.

- 248 Replacement of Part II of Insolvency Act 1986
- 249 Special administration regimes
- 250 Prohibition of appointment of administrative receiver
- 251 Abolition of Crown preference
- 252 Unsecured creditors
- 253 Liquidator's powers
- 254 Application of insolvency law to foreign company

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- 255 Application of law about company arrangement or administration to non-company

Individuals

- 256 Duration of bankruptcy
257 Post-discharge restrictions
258 Investigation by official receiver
259 Income payments order
260 Income payments agreement
261 Bankrupt's home
262 Powers of trustee in bankruptcy
263 Repeal of certain bankruptcy offences
264 Individual voluntary arrangement
265 Disqualification from office: justice of the peace
266 Disqualification from office: Parliament
267 Disqualification from office: local government
268 Disqualification from office: general
269 Minor and consequential amendments

Money

- 270 Fees
271 Insolvency Services Account: interest
272 Insolvency Services Accounts

PART 11

SUPPLEMENTARY

- 273 Interpretation
274 Provision of financial assistance for consumer purposes
275 Financial provision
276 Transitional or transitory provision and savings
277 Power to make consequential amendments etc.
278 Minor and consequential amendments and repeals
279 Commencement
280 Extent
281 Short title

SCHEDULES

SCHEDULE 1 — THE OFFICE OF FAIR TRADING

- 1 *Membership*
2 *Terms of appointment, remuneration, pensions etc.*
3 (1) An appointment of a person to hold office as...
4 (1) The OFT shall pay to the chairman and other...
5 *Staff*
6 The OFT may, with the approval of the Minister for...
7 *Membership of committees or sub-committees of OFT*
8 *Proceedings etc.*
9 The validity of anything done by the OFT is not...
10 (1) The application of the seal of the OFT shall...
11 A document purporting to be duly executed under the seal...

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- 12 *Performance of functions*
- 13 *Supplementary powers*
- 14 *Parliamentary Commissioner Act 1967 (c. 13)*
- 15 *House of Commons Disqualification Act 1975 (c. 24)*
- 16 *Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

SCHEDULE 2 — THE COMPETITION APPEAL TRIBUNAL

- 1 *Appointment, etc. of President and chairmen*
- 2 (1) The members appointed as President or as chairmen shall...
- 3 If the President is absent or otherwise unable to act...
- 4 *Appointment, etc. of ordinary members*
- 5 *Remuneration etc. for members*
- 6 *Compensation for loss of office*
- 7 *Staff, accommodation and property*
- 8 *Miscellaneous*
- 9 In this Schedule “chairman” and “ordinary member” mean respectively
a...
- 10 In Part 2 of Schedule 1 to the House of...
- 11 In Part 2 of Schedule 1 to the Northern Ireland...

SCHEDULE 3 — THE COMPETITION SERVICE

Part 1 — CONSTITUTION ETC.

- 1 *Membership of the Service*
 - 2 *Chairman of Service*
 - 3 *Appointed members*
 - 4 *Allowances, etc. for members*
 - 5 If, where any person ceases to hold office as an...
 - 6 *Staff*
 - 7 *Procedure*
 - 8 (1) The application of the seal of the Service shall...
 - 9 A document purporting to be duly executed under the seal...
 - 10 *The Service’s powers*
 - 11 *Accounts*
 - 12 (1) The Service shall— (a) prepare a statement of accounts...
- ##### Part 2 — TRANSFERS OF PROPERTY ETC. BETWEEN THE COMMISSION AND THE SERVICE
- 13 (1) The Secretary of State may make one or more...
 - 14 (1) On the day appointed by a scheme under paragraph...
 - 15 The transfer by paragraph 14(1) of the rights and liabilities...
 - 16 (1) Anything done by or in relation to the transferor...
- ##### Part 3 — MISCELLANEOUS
- 17 In Part 2 of Schedule 1 to the House of...
 - 18 In Part 2 of Schedule 1 to the Northern Ireland...

SCHEDULE 4 — TRIBUNAL: PROCEDURE

Part 1 — GENERAL

- 1 *Decisions of the Tribunal*
- 2 *Enforcement of decisions in Great Britain*
- 3 If a decision of the Tribunal awards damages, costs or...
- 4 Subject to rules of court or any practice direction, a...
- 5 *Enforcement of decisions in Northern Ireland*
- 6 *Miscellaneous*
- 7 An award of costs or expenses against a specified body...

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8 In this Part of this Schedule any reference to damages...

Part 2 — TRIBUNAL RULES

9 *General*

10 Tribunal rules may make different provision for different kinds of...

11 *Institution of proceedings*

12 Tribunal rules may provide for the Tribunal to reject any...

13 Tribunal rules may provide for the Tribunal—

14 Tribunal rules may provide for the Tribunal to reject any...

15 Tribunal rules must ensure that no proceedings are rejected without...

16 *Pre-hearing reviews and preliminary matters*

17 *Conduct of the hearing*

18 *Quorum*

19 *Interest*

20 *Fees*

21 *Withdrawal of proceedings*

22 *Interim orders*

23 *Miscellaneous*

24 Tribunal rules may make provision— (a) for a person who...

25 Tribunal rules may make provision for the Tribunal to transfer...

26 Tribunal rules may make provision in connection with the transfer...

SCHEDULE 5 — PROCEEDINGS UNDER PART 1 OF THE 1998 ACT

1 Part 1 of the 1998 Act is amended as follows...

2 In section 46 (appealable decisions)— (a) in subsections (1) and...

3 Section 48 (appeal tribunals) shall cease to have effect.

4 For section 49 there is substituted— Further appeals (1) An appeal lies to the appropriate court—

5 In section 58(1) (findings of fact by director)—

6 In section 59(1) (interpretation of Part 1)—

7 (1) Schedule 7 (the Competition Commission) is amended as follows....

8 (1) Schedule 8 (appeals) is amended as follows.

SCHEDULE 6 — SCHEDULE TO BE INSERTED IN THE WATER INDUSTRY ACT 1991

SCHEDULE 7 — ENFORCEMENT REGIME FOR PUBLIC INTEREST AND SPECIAL PUBLIC INTEREST CASES

1 *Pre-emptive undertakings and orders*

2 (1) Sub-paragraph (2) applies where an intervention notice or special...

3 *Undertakings in lieu of reference under section 45 or 62*

4 (1) The relevant authority shall not make a reference under...

5 (1) Sub-paragraph (2) applies where the Secretary of State considers...

6 (1) Sub-paragraph (2) applies where— (a) the Secretary of State...

7 *Statutory restrictions following reference under section 45 or 62*

8 (1) Sub-paragraph (2) applies where— (a) a reference has been...

9 *Final undertakings and orders*

10 (1) Sub-paragraph (2) applies where the Secretary of State considers...

11 (1) The Secretary of State may, in accordance with section...

SCHEDULE 8 — PROVISION THAT MAY BE CONTAINED IN CERTAIN ENFORCEMENT ORDERS

1 *Introductory*

2 *General restrictions on conduct*

3 (1) An order may prohibit the withholding from any person...

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- 4 An order may prohibit requiring as a condition of the...
- 5 An order may prohibit— (a) discrimination between persons in the...
- 6 An order may prohibit— (a) giving, or agreeing to give...
- 7 An order may prohibit— (a) charging, for goods or services...
- 8 (1) An order may regulate the prices to be charged...
- 9 An order may prohibit the exercise of any right to...
- 10 *General obligations to be performed*
- 11 An order may require any activities to be carried on...
- 12 *Acquisitions and divisions*
- 13 (1) An order may provide for— (a) the division of...
- 14 The references in paragraph 13 to the division of a...
- 15 *Supply and publication of information*
- 16 An order may prohibit any person from notifying (whether by...
- 17 (1) An order may require a person supplying goods or...
- 18 An order made by virtue of paragraph 15 or 17...
- 19 An order may— (a) require any person to supply information...
- 20 *National security*
- 20A *Newspaper mergers*
- 20B Maintaining the stability of the UK financial system
- 21 *Supplementary*
- 22 (1) An order which may prohibit the doing of anything...
- 23 *Interpretation*
- 24 In this Schedule “the relevant authority” means—

SCHEDULE 9 — CERTAIN AMENDMENTS OF SECTORAL ENACTMENTS

Part 1 — POWER OF ENFORCEMENT ORDERS TO AMEND LICENCE CONDITIONS ETC.

- 1 *Telecommunications Act 1984 (c. 12)*
- 2 *Airports Act 1986 (c. 31)*
- 3 In paragraph 13 of Schedule 1 to that Act—
- 4 *Gas Act 1986 (c. 44)*
- 5 *Electricity Act 1989 (c. 29)*
- 6 *Broadcasting Act 1990 (c. 42)*
- 7 *Water Industry Act 1991 (c. 56)*
- 8 In section 36(1) of that Act (interpretation of Part 2...
- 9 *Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1))*
- 10 *Railways Act 1993 (c. 43)*
- 11 *Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1))*
- 12 In paragraph 13 of Schedule 6 to that Order—
- 13 *Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2))*
- 14 *Postal Services Act 2000 (c. 26)*
- 15 *Transport Act 2000 (c. 38)*

Part 2 — APPLICATION OF PART 4 OF THIS ACT TO SECTORAL REGULATORS

- 16 *Telecommunications Act 1984 (c. 12)*
- 17 *Gas Act 1986 (c. 44)*
- 18 *Electricity Act 1989 (c. 29)*
- 19 *Water Industry Act 1991 (c. 56)*
- 20 *Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1))*
- 21 *Railways Act 1993 (c. 43)*
- 22 *Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2))*
- 23 *Transport Act 2000 (c. 38)*
- 24 (1) Section 86 of that Act (functions exercisable by the...

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- 25 In section 87 of that Act (CAA's 1973 Act functions)...
- 26 In section 89 of that Act (carrying out functions) for...

SCHEDULE 10 — PROCEDURAL REQUIREMENTS FOR CERTAIN ENFORCEMENT UNDERTAKINGS AND ORDERS

- 1 *Requirements for accepting undertakings and making orders*
- 2 (1) Before accepting an undertaking to which this paragraph applies...
- 3 (1) If, after giving notice under paragraph 2(1) or (4),...
- 4 As soon as practicable after accepting an undertaking to which...
- 5 (1) The requirements of paragraph 2(4) (and those of paragraph...
- 6 *Termination of undertakings and orders*
- 7 (1) Before releasing an undertaking to which this paragraph applies...
- 8 As soon as practicable after releasing the undertaking or making...
- 9 *Power to dispense with the requirements of the Schedule*

SCHEDULE 11 — THE COMPETITION COMMISSION

- 1 Schedule 7 to the 1998 Act is amended as follows....
- 2 In paragraph 1 (interpretation), after the definition of “newspaper merger...
- 3 In paragraph 2 (appointment of members)— (a) in sub-paragraph (1) (c),...
- 4 In paragraph 5 (the Council)— (a) in sub-paragraph (1), the...
- 5 In paragraph 6 (terms of appointment)— (a) in sub-paragraph (2),...
- 6 Paragraph 7(4) (approval of Treasury) shall cease to have effect....
- 7 Before paragraph 8 there is inserted— The Commission may publish advice and information in relation to...
- 8 In paragraph 9 (staff)— (a) sub-paragraph (2), and in sub-paragraph...
- 9 Paragraph 10 (procedure) shall cease to have effect.
- 10 (1) Paragraph 15 (discharge of certain functions by groups) is...
- 11 (1) Paragraph 20 (requirement for two-thirds majority on reports) is...
- 12 In paragraph 22 (panel of persons to act in newspaper)...

SCHEDULE 12 — COMPETITION COMMISSION: CERTAIN PROCEDURAL RULES

SCHEDULE 13 — LISTED DIRECTIVES AND REGULATIONS

Part 1 — DIRECTIVES AND REGULATIONS

- 1
- 2 Council Directive 85/577/EEC of 20 December 1985 to protect the...
- 3
- 4 Council Directive 90/314/EEC of 13 June 1990 on package travel,...
- 5 Council Directive 93/13/EEC of 5 April 1993 on unfair terms...
- 6 Directive 94/47/ EC of the European Parliament and of the...
- 7 Directive 97/7/EC of the European Parliament and of the Council...
- 7A
- 7B Directive 98/6/ EC of the European Parliament and of the...
- 8 Directive 1999/44/EC of the European Parliament and of the Council...
- 9 Directive 2000/31/EC of the European Parliament and of the Council...
- 9A Directive 2002/65/ EC of the European Parliament and of the...
- 9B Regulation (EC) No. 261/2004 of the European Parliament...
- 9C Directive 2005/29/ EC of the European Parliament and of the...
- 9D Directive 2006/123/ EC of the European Parliament and of the...
- 9D Directive 2008/48/ EC of the European Parliament and of the...
- 9E Directive 2008/122/ EC of the European Parliament and of the...

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Part 2 — PROVISIONS OF DIRECTIVES

- 10 Articles 10 to 21 of Council Directive 89/552/EEC of 3...
- 11 Articles 86 to 100 of the Directive 2001/83/ EC of...
- 12 Article 13 of Directive 2002/58/ EC of the European Parliament...

SCHEDULE 14 — SPECIFIED FUNCTIONS

Parts 1, ..., 3, 4, 5, 6, 7, 8 and...

SCHEDULE 15 — Enactments conferring functions

Gun Barrel Proof Act 1868 (cap 113). Gun Barrel Proof...

SCHEDULE 16 — Schedule B1 to Insolvency Act 1986

SCHEDULE 17 — ADMINISTRATION: MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 *General*
- 2 *Magistrates' Courts Act 1980 (c. 43)*
- 3 *Companies Act 1985 (c. 6)*
- 4
- 5
- 6
- 7 In section 652B(3) (duty when applying to strike off defunct...
- 8 In section 652C(4) (director's duty following application to strike off...
- 9 *Insolvency Act 1986 (c. 45)*
- 10 In section 1 (proposal for company voluntary arrangement)—
- 11 In section 5(3) (approval of company voluntary arrangement)—
- 12 In section 6(2)(c) (challenge of decision in relation to company...
- 13 In section 51 (power to appoint receiver: Scotland) after subsection...
- 14 At the end of section 100 (creditors' voluntary winding up...
- 15 At the end of section 127 (winding-up: avoidance of property...
- 16 After section 129(1) (commencement of winding up) insert—
- 17 In section 140 (appointment by court of liquidator following administration...
- 18 In section 212 (misfeasance of officers)— (a) in subsection (1)(b)...
- 19 Section 230(1) (administrator to be qualified insolvency practitioner) shall cease...
- 20 In section 231(1) and (2) (appointment to office of two...
- 21 In section 232 (validity of office-holder's act) omit the word...
- 22 In section 233 (utility supplies)— (a) for subsection (1)(a) substitute —...
- 23 For section 234(1)(a) (getting in the company's property) substitute—
- 24 For section 235(4)(a) (co-operation with office-holder) substitute—
- 25 For section 238(1)(a) (transactions at an undervalue: England and Wales)...
- 26 (1) Section 240 (relevant time for sections 238 and 239)...
- 27 (1) Section 241 (order under section 238 or 239) shall...
- 28 (1) Section 242 (gratuitous alienations: Scotland) shall be amended as...
- 29 (1) Section 243 (unfair preferences: Scotland) shall be amended as...
- 30 In section 244(2) (extortionate credit transaction) for "the day on...
- 31 (1) Section 245 (avoidance of floating charge) shall be amended...
- 32 For section 246(1)(a) (unenforceability of lien on records) substitute—
- 33 (1) Section 247 (meaning of "insolvency" and "go into liquidation")...
- 34 (1) Section 387 (preferential debts: "the relevant date") shall be...
- 35 In section 422 (power to apply first Group of Parts...

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- 36 In section 424(1)(a) (application for order in relation to transaction...
- 37 (1) Schedule A1 (moratorium where directors propose voluntary arrangement) shall...
- 38 (1) Schedule 8 (scope of insolvency rules) shall be amended...
- 39 (1) Schedule 10 (punishment of offences) shall be amended as...
- 40 *Company Directors Disqualification Act 1986 (c. 46)*
- 41 In section 6 (duty of court to disqualify unfit director...
- 42 In section 7(3) (duty of office-holder to report to Secretary...
- 43 *Companies Act 1989 (c. 40)*
- 44 In section 158 (modification of insolvency law)—
- 45 In section 161(4) (disapplication of enactments to default proceedings) for...
- 46 After section 167(1) (application by exchange or clearing house about...
- 47 (1) Section 175 (financial markets: administration) shall be amended as...
- 48 *Coal Industry Act 1994 (c. 21)*
- 49 *Employment Rights Act 1996 (c. 18)*
- 50 *Housing Act 1996 (c. 52)*
- 51 At the end of section 40 (initial notice to be...
- 52 At the end of section 41 (further notice to be...
- 53 *Financial Services and Markets Act 2000 (c. 8)*
- 54 (1) Section 215 (provision of Financial Services Compensation Scheme in...
- 55 For section 359 (administration order) substitute— Administration order (1) The Authority may make an administration application under Schedule...
- 56 For section 361 (administrator to report to Authority) substitute— Administrator's...
- 57 In section 362 (Financial Services Authority's right to participate in...
- 58 After section 362 insert— Administrator appointed by company or directors...
- 59 In section 427A(3) (mergers and divisions of public companies) for...

SCHEDULE 18 — SCHEDULE 2A TO INSOLVENCY ACT 1986

SCHEDULE 19 — DURATION OF BANKRUPTCY: TRANSITIONAL PROVISIONS

- 1 *Introduction*
- 2 In this Schedule— “commencement” means the date appointed under section...
- 3 *Neither old law nor new law to apply*
- 4 *General rule for discharge from pre-commencement bankruptcy*
- 5 *Second-time bankruptcy*
- 6 *Criminal bankruptcy*
- 7 *Income payments order*
- 8 *Bankruptcy restrictions order or undertaking*

SCHEDULE 20 — SCHEDULE 4A TO INSOLVENCY ACT 1986

SCHEDULE 21 — EFFECT OF BANKRUPTCY RESTRICTIONS ORDER AND UNDERTAKING

- 1 *Disqualification for acting as receiver or manager*
- 2 *Bankruptcy offences after discharge*
- 3 At the end of section 360 of that Act (obtaining...

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- 4 *Disqualification for acting as insolvency practitioner*
- 5 *Prohibition against involvement in company*

SCHEDULE 22 — INDIVIDUAL VOLUNTARY ARRANGEMENT

- 1 *Annulment of bankruptcy on making of voluntary arrangement*
- 2 *Fast-track for making voluntary arrangement*
- 3 *Role of official receiver*

SCHEDULE 23 — INDIVIDUAL INSOLVENCY: MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 The Insolvency Act 1986 (c. 45) shall be amended as...
- 2 Section 275 (bankruptcy: summary administration) shall cease to have effect...
- 3 In section 280(1) (bankruptcy: discharge by order of court)—
- 4 In section 282 (annulment of bankruptcy)— (a) in subsection (4)...
- 5 For section 291(4) (co-operation with official receiver) substitute—
- 6 In section 292(1)(a) (trustee in bankruptcy: power to appoint) omit...
- 7 In section 293(1) (trustee in bankruptcy: meeting to appoint) omit...
- 8 In section 294(1) (power of creditors to requisition meeting) omit...
- 9 In section 297 (trustee: special cases)— (a) omit subsections (2)...
- 10 Omit section 298(3) (removal of trustee: summary administration).
- 11 In section 300 (trustee: vacancy)— (a) omit subsection (5), and...
- 12 In section 354(3) (concealment of property) after “the official receiver”...
- 13 At the end of section 355 (concealment and falsification of...
- 14 In the following provisions of section 399 (appointment of official...
- 15 In section 429(2)(b) (disability imposed on revoking administration order under...
- 16 (1) Schedule 9 (scope of insolvency rules) shall be amended...
- 17 In Schedule 10 (punishment of offences)— (a) in the entry...

SCHEDULE 24 — TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

- 1 *Operation of references to OFT before commencement of section 2(3)*
- 2 *Pensions etc. of former Directors*
- 3 *First financial year of the OFT*
- 4 *First annual plan of the OFT*
- 5 *Last annual report of the Director General of Fair Trading*
- 6 *Effect of transfers under section 2*
- 7 *First President and Registrar of the Competition Appeal Tribunal*
- 8 The person who is Registrar of Appeal Tribunals (under paragraph...
- 9 Any person who is a member of the Competition Commission...
- 10 Any member of the Competition Commission appeal panel who is,...
- 11 Nothing in paragraph 7, 8, 9 or 10 applies to...
- 12 *Tribunal rules*
- 13 *Merger references*
- 14 *Monopoly references*
- 15 *Enforcement undertakings and orders*
- 16 (1) Sub-paragraph (2) applies to any undertaking—
- 17 (1) Any order made by a Minister of the Crown...
- 18 (1) Section 94(1) to (6) shall apply in relation to...
- 19 *Paragraphs 13 to 18: supplementary provision*
- 20 *Designation orders under Schedule 4 to the 1998 Act*
- 21 *Proceedings under Part 3 of the 1973 Act*

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22 *Supplementary*

SCHEDULE 25 — MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 *Registered Designs Act 1949 (c. 88)*
- 2 *Agricultural Marketing Act 1958 (c. 47)*
- 3 *Public Records Act 1958 (c. 51)*
- 4 *Superannuation Act 1972 (c. 11)*
- 5 *Fair Trading Act 1973 (c. 41)*
- 6 *Consumer Credit Act 1974 (c. 39)*
- 7 *Restrictive Practices Court Act 1976 (c. 33)*
- 8 *Patents Act 1977 (c. 37)*
- 9 *Estate Agents Act 1979 (c. 38)*
- 10 *Competition Act 1980 (c. 21)*
- 11 *Civil Aviation Act 1982 (c. 16)*
- 12 *Agricultural Marketing (Northern Ireland) Order 1982 (S.I. 1982/1080 (N.I. 12))*
- 13 *Telecommunications Act 1984 (c. 12)*
- 14 *Airports Act 1986 (c. 31)*
- 15 *Gas Act 1986 (c. 44)*
- 16 *Consumer Protection Act 1987 (c. 43)*
- 17 *Consumer Protection (Northern Ireland) Order 1987 (S.I. 1987/2049 (N.I. 20))*
- 18 *Copyright, Designs and Patents Act 1988 (c. 48)*
- 19 *Water Act 1989 (c. 15)*
- 20 *Electricity Act 1989 (c. 29)*
- 21 *Companies Act 1989 (c. 40)*
- 22 *Companies (Northern Ireland) Order 1989 (S.I. 1990/593 (N.I. 5))*
- 23 *Courts and Legal Services Act 1990 (c. 41)*
- 24 *Broadcasting Act 1990 (c. 42)*
- 25 *Water Industry Act 1991 (c. 56)*
- 26 *Water Resources Act 1991 (c. 57)*
- 27 *Tribunals and Inquiries Act 1992 (c. 53)*
- 28 *Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1))*
- 29 *Osteopaths Act 1993 (c. 21)*
- 30 *Railways Act 1993 (c. 43)*
- 31 *Chiropractors Act 1994 (c. 17)*
- 32 *Coal Industry Act 1994 (c. 21)*
- 33 *Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1))*
- 34 *Broadcasting Act 1996 (c. 55)*
- 35 *Channel Tunnel Rail Link Act 1996 (c. 61)*
- 36 *Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2))*
- 37 *Data Protection Act 1998 (c. 29)*
- 38 *Competition Act 1998 (c. 41)*
- 39 *Greater London Authority Act 1999 (c. 29)*
- 40 *Financial Services and Markets Act 2000 (c. 8)*
- 41 *Terrorism Act 2000 (c. 11)*
- 42 *Postal Services Act 2000 (c. 26)*
- 43 *Utilities Act 2000 (c. 27)*
- 44 *Transport Act 2000 (c. 38)*

SCHEDULE 26 — Repeals and revocations

Status:

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