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Enterprise Act 2002

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ENTERPRISE ACT 2002

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- 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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- 13 *Supplementary powers*
- 14 *Parliamentary Commissioner Act 1967 (c. 13)*

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- 15 *House of Commons Disqualification Act 1975 (c. 24)*
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- 7 *Staff, accommodation and property*
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- 9 In this Schedule “chairman” and “ordinary member” mean respectively a...
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 - 4 *Allowances, etc. for members*
 - 5 If, where any person ceases to hold office as an...
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 - 8 (1) The application of the seal of the Service shall...
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- 5 Enforcement of decisions in Northern Ireland
- 6 Miscellaneous
- 7 An award of costs or expenses against a representative in...
- 8 In this Part of this Schedule any reference to damages...

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 - 11 (1) Tribunal rules may make provision as to the period...
 - 12 Tribunal rules may provide for the Tribunal to reject any...
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 - 17 Conduct of the hearing
 - 18 Quorum
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 - 20 Fees
- 20A Stay or sist of proceedings
- 21 Withdrawal of proceedings
- 21A Injunctions
 - 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...

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- 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.

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 - 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...

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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 ... 17 may...
- 19 An order may— (a) require any person to supply information...
- 20 *National security*
- 20A *Newspaper mergers*
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- 21 *Supplementary*
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- 23 *Interpretation*
- 24 In this Schedule “the relevant authority” means—

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- 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)*

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- 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...
- 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...

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- 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...
 - 9F Directive 2011/83/ EU of the European Parliament and of the...
- Part 2 — PROVISIONS OF DIRECTIVES AND REGULATIONS
- 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...
 - 13 Article 13 of Directive 2013/11/ EU of the European Parliament...
 - 14 Article 14 of Regulation (EU) No 524/2013 of...
 - 15 Article 10(4) of Regulation (EU) 2015/751 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—

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- 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...
- 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*

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- 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...*
- 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 ...
- 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...

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- 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*
- 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))*

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- 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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