



Enterprise Act 2002

2002 CHAPTER 40

PART 1

[^{F1}GENERAL FUNCTIONS OF THE CMA]

Textual Amendments

- F1** Pt. 1 title substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 65](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Modifications etc. (not altering text)

- C1** Pt. 1 function transferred (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), 2 (with arts. 2(3), 4)

F2 ...

Textual Amendments

- F2** S. 1 cross-heading omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 229](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

F3₁

Textual Amendments

- F3** Ss. 1-4 omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 229](#) (with savings in s. 28 and S.I. 2014/892, art. 3(7)); S.I. 2014/416, art. 2(1)(d) (with Sch.)

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F³2 The Director General of Fair Trading

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Textual Amendments

- F3** Ss. 1-4 omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 229](#) (with savings in s. 28 and S.I. 2014/892, art. 3(7)); S.I. 2014/416, art. 2(1)(d) (with Sch.)

F³3 Annual plan

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Textual Amendments

- F3** Ss. 1-4 omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 229](#) (with savings in s. 28 and S.I. 2014/892, art. 3(7)); S.I. 2014/416, art. 2(1)(d) (with Sch.)

F³4 Annual and other reports

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Textual Amendments

- F3** Ss. 1-4 omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 229](#) (with savings in s. 28 and S.I. 2014/892, art. 3(7)); S.I. 2014/416, art. 2(1)(d) (with Sch.)

General functions of [F⁴the CMA]

Textual Amendments

- F4** Words in s. 5 cross-heading substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 60\(3\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

5 Acquisition of information etc.

- (1) The [F⁵CMA] has the function of obtaining, compiling and keeping under review information about matters relating to the carrying out of its functions.
- (2) That function is to be carried out with a view to (among other things) ensuring that the [F⁶CMA] has sufficient information to take informed decisions and to carry out its other functions effectively.
- (3) In carrying out that function the [F⁶CMA] may carry out, commission or support (financially or otherwise) research.

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Textual Amendments

- F5** Word in s. 5(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 60\(2\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Word in s. 5(2)(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 60\(2\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

6 Provision of information etc. to the public

- (1) The [^{F7}CMA] has the function of—
- (a) making the public aware of the ways in which competition may benefit consumers in, and the economy of, the United Kingdom; and
 - (b) giving information or advice in respect of matters relating to any of its functions to the public.
- (2) In carrying out those functions the [^{F7}CMA] may—
- (a) publish educational materials or carry out other educational activities; or
 - (b) support (financially or otherwise) the carrying out by others of such activities or the provision by others of information or advice.

Textual Amendments

- F7** Word in s. 6(1)(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 61](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

7 Provision of information and advice to Ministers etc.

- (1) The [^{F8}CMA] has the function of—
- (a) making proposals, or
 - (b) giving other information or advice,
- on matters relating to any of its functions to any Minister of the Crown or other public authority (including proposals, information or advice as to any aspect of the law or a proposed change in the law).
- [^{F9}(1A) The CMA may, in particular, carry out the function under subsection (1)(a) by making a proposal in the form of a recommendation to a Minister of the Crown about the potential effect of a proposal for Westminster legislation on competition within any market or markets in the United Kingdom for goods or services.
- (1B) The CMA must publish such a recommendation in such manner as the CMA considers appropriate for bringing the subject matter of the recommendation to the attention of those likely to be affected by it.]
- (2) A Minister of the Crown may request the [^{F10}CMA] to make proposals or give other information or advice on any matter relating to any of its functions; and the [^{F10}CMA] shall, so far as is reasonably practicable and consistent with its other functions, comply with the request.
- [^{F11}(3) In this section—
- “market in the United Kingdom” includes—

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(a) so far as it operates in the United Kingdom or a part of the United Kingdom, any market which operates there and in another country or territory or in a part of another country or territory; and

(b) any market which operates only in a part of the United Kingdom;

and the reference to a market for goods or services includes a reference to a market for goods and services; and

“Westminster legislation” means—

(a) an Act of Parliament, or

(b) subordinate legislation (within the meaning given by section 21 of the Interpretation Act 1978).]

Textual Amendments

- F8** Word in s. 7(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 62\(2\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F9** S. 7(1A)(1B) inserted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 37\(2\)](#), 164(3)(b)(iii)
- F10** Word in s. 7(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 62\(3\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F11** S. 7(3) inserted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 37\(3\)](#), 164(3)(b)(iii)

^{F12}8 Promoting good consumer practice

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Textual Amendments

- F12** S. 8 omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 63](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

[^{F13}8A Exclusion of public consumer advice scheme

The [^{F14}CMA] may not under this Part support a public consumer advice scheme, where that support of a scheme consists of providing, or securing the provision of, an arrangement for giving advice without charge to individual consumers on matters personal to them.]

Textual Amendments

- F13** S. 8A 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), 3
- F14** Word in s. 8A substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 2](#) (with art. 3)

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Miscellaneous

9 Repeal of certain powers of direction

Section 12 of the Fair Trading Act 1973 (c. 41) (in this Act referred to as “the 1973 Act”) and section 13 of the Competition Act 1980 (c. 21) (powers of Secretary of State to give directions) shall cease to have effect.

10 Part 2 of the 1973 Act

- (1) The following provisions of the 1973 Act shall cease to have effect—
- (a) section 3 and Schedule 2 (which establish, and make provision with respect to, the Consumer Protection Advisory Committee);
 - (b) sections 13 to 21 (which relate to references made to, and reports of, that Committee); and
 - (c) section 22 (power of Secretary of State to make orders in pursuance of a report of that Committee).

^{F15}(2)

- (3) If the orders saved by subsection (2)(a) have been revoked, the Secretary of State may by order—
- (a) repeal any unrepealed provision of Part 2 of the 1973 Act and subsection (2) above; and
 - (b) make such other consequential modifications of any Act or subordinate legislation (whenever passed or made) as he thinks fit.
- (4) An order under subsection (3)—
- (a) may make transitional or saving provision in connection with any modification made by the order; and
 - (b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F15 S. 10(2) repealed (26.5.2008) by [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 1, Sch. 2 para. 69, **Sch. 4 Pt. 1** (with reg. 28(2)(3))

11 Super-complaints to OFT

- (1) This section applies where a designated consumer body makes a complaint to the [^{F16}CMA] that any feature, or combination of features, of a market in the United Kingdom for goods or services is or appears to be significantly harming the interests of consumers.
- (2) The [^{F16}CMA] must, within 90 days after the day on which it receives the complaint, publish a response stating how it proposes to deal with the complaint, and in particular—
- (a) whether it has decided to take any action, or to take no action, in response to the complaint, and
 - (b) if it has decided to take action, what action it proposes to take.

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- (3) The response must state the [^{F17}CMA's] reasons for its proposals.
- (4) The Secretary of State may by order amend subsection (2) by substituting any period for the period for the time being specified there.
- (5) “Designated consumer body” means a body designated by the Secretary of State by order.
- (6) The Secretary of State—
- (a) may designate a body only if it appears to him to represent the interests of consumers of any description, and
 - (b) must publish (and may from time to time vary) other criteria to be applied by him in determining whether to make or revoke a designation.
- (7) The [^{F18}CMA] —
- (a) must issue guidance as to the presentation by the complainant of a reasoned case for the complaint, and
 - (b) may issue such other guidance as appears to it to be appropriate for the purposes of this section.
- (8) An order under this section—
- (a) shall be made by statutory instrument, and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section—
- (a) references to a feature of a market in the United Kingdom for goods or services have the same meaning as if contained in Part 4, and
 - (b) “consumer” means an individual who is a consumer within the meaning of that Part.

Textual Amendments

- F16** Word in s. 11(1)(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 64\(2\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F17** Word in s. 11(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 64\(3\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F18** Word in s. 11(7) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 64\(4\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Modifications etc. (not altering text)

- C2** S. 11 (except s. 11(7)(a)) applied in part (20.6.2003) by [The Enterprise Act 2002 \(Super-complaints to Regulators\) Order 2003 \(S.I. 2003/1368\)](#), [art. 2](#)

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