

Status: Point in time view as at 01/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Paragraph 13. (See end of Document for details)

SCHEDULES

SCHEDULE 8

PROVISION THAT MAY BE CONTAINED IN CERTAIN ENFORCEMENT ORDERS

Modifications etc. (not altering text)

- C1** Sch. 8: power to make orders conferred (20.6.2003) by 1988 c. 48, s. 144(1A) (as substituted by Enterprise Act 2002 (c. 40), ss. 278, 279, **Sch. 25 para. 18(2)**); S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 8)
- C1** Sch. 8: power to make orders conferred (20.6.2003) by 1988 c. 48, s. 238(1A) (as substituted by Enterprise Act 2002 (c. 40), ss. 278, 279, **Sch. 25 para. 18(4)**); S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 8)
- C1** Sch. 8: power to make orders conferred (20.6.2003) by 1988 c. 48, Sch. 2A para. 17(1A) (as substituted by Enterprise Act 2002 (c. 40), ss. 278, 279, **Sch. 25 para. 18(5)(a)**); S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 8)
- C1** Sch. 8 applied (with modifications) (20.6.2003) by The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (S.I. 2003/1592, **art. 15**, **Sch. 3 para. 2(1)(a)(2)**) (as amended (29.12.2003) by S.I. 2003/3180, **art. 2**, Sch. para. 10(16))

- 13 (1) An order may provide for—
- (a) the division of any business (whether by the sale of any part of the undertaking or assets or otherwise);
 - (b) the division of any group of interconnected bodies corporate.
- (2) For the purposes of sub-paragraph (1)(a) all the activities carried on by way of business by any one person or by any two or more interconnected bodies corporate may be treated as a single business.
- (3) An order made by virtue of this paragraph may contain such provision as the relevant authority considers appropriate to effect or take account of the division, including, in particular, provision as to—
- (a) the transfer or creation of property, rights, liabilities or obligations;
 - (b) the number of persons to whom the property, rights, liabilities or obligations are to be transferred or in whom they are to be vested;
 - (c) the time within which the property, rights, liabilities or obligations are to be transferred or vested;
 - (d) the adjustment of contracts (whether by discharge or reduction of any liability or obligation or otherwise);
 - (e) the creation, allotment, surrender or cancellation of any shares, stock or securities;
 - (f) the formation or winding up of any company or other body of persons corporate or unincorporate;
 - (g) the amendment of the [F1articles] or other instruments regulating any such company or other body of persons;
 - (h) the extent to which, and the circumstances in which, provisions of the order affecting a company or other body of persons corporate or unincorporate in

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its share capital, constitution or other matters may be altered by the company or other body of persons concerned;

- (i) the registration of the order under any enactment by a company or other body of persons corporate or unincorporate which is affected by it as mentioned in paragraph (h);
- (j) the continuation, with any necessary change of parties, of any legal proceedings;
- (k) the approval by the relevant authority or another person of anything required by virtue of the order to be done or of any person to whom anything is to be transferred, or in whom anything is to be vested, by virtue of the order; or
- (l) the appointment of trustees or other persons to do anything on behalf of another person which is required of that person by virtue of the order or to monitor the doing by that person of any such thing.

Textual Amendments

- F1** Word in Sch. 8 para. 13(3)(g) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 199\(5\)](#) (with art. 10)

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