



Enterprise Act 2002

2002 CHAPTER 40

PART 3

MERGERS

CHAPTER 5

SUPPLEMENTARY

Information and publicity requirements

[^{F1}106B General advisory functions of OFCOM

- (1) OFCOM may, in connection with any case on which they are required to give a report by virtue of section 44A or 61A, give such advice as they consider appropriate to the Secretary of State in relation to—
 - (a) any report made in such a case by the [^{F2}CMA] under section 50 or 65; and
 - (b) the taking by the Secretary of State of enforcement action under Schedule 7.
- (2) OFCOM may, if requested to do so by the Secretary of State, give such other advice as they consider appropriate to the Secretary of State in connection with any case on which they are required to give a report by virtue of section 44A or 61A.
- (3) OFCOM shall publish any advice given by them under this section but advice given by them in relation to a report of the [^{F3}CMA] under section 50 or 65 or related enforcement action shall not be published before the report itself is published.]

Textual Amendments

- F1** S. 106B inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), **ss. 384**, 411(2)(3) (with transitional provisions in [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (subject to [arts. 3\(3\)](#), 11)
- F2** Word in s. 106B(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [s. 103\(3\)](#), **Sch. 5 para. 140** (with [s. 28](#)); [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#))

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 106B. (See end of Document for details)

- F3** Word in s. 106B(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 140** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Modifications etc. (not altering text)

- C1** S. 106B applied (with modifications) (29.12.2003) by S.I. 2003/1592, art. 15, Sch. 3 para. 1(1)(ma) (as inserted by The Enterprise Act 2002 and Media Mergers (Consequential Amendments) Order 2003 (S.I. 2003/3180), art. 2, **Sch. para. 10(10)** (with transitional provisions and savings in art. 3) (as amended (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891), arts. 1, **18(1)-(17)** (with arts. 20-23))
- S. 106B applied (with modifications) (29.12.2003) by S.I. 2003/1592, art. 15, Sch. 3 para. 1(13A) (as inserted by The Enterprise Act 2002 and Media Mergers (Consequential Amendments) Order 2003 (S.I. 2003/3180), art. 2, **Sch. para. 10(14)** (with transitional provisions and savings in art. 3))

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002, Section 106B.