



Enterprise Act 2002 (repealed)

2002 CHAPTER 40

PART 4

MARKET INVESTIGATIONS

CHAPTER 1

MARKET INVESTIGATION REFERENCES

Determination of references

136 Investigations and reports on market investigation references

- (1) The Commission shall prepare and publish a report on a market investigation reference within the period permitted by section 137.
- (2) The report shall, in particular, contain—
 - (a) the decisions of the Commission on the questions which it is required to answer by virtue of section 134;
 - (b) its reasons for its decisions; and
 - (c) such information as the Commission considers appropriate for facilitating a proper understanding of those questions and of its reasons for its decisions.
- (3) The Commission shall carry out such investigations as it considers appropriate for the purposes of preparing a report under this section.
- (4) The Commission shall, at the same time as a report under this section is published—
 - (a) in the case of a reference under section 131, give it to the OFT; and
 - (b) in the case of a reference under section 132, give it to the appropriate Minister and give a copy of it to the OFT.
- (5) Where a reference has been made by the OFT under section 131 or by the appropriate Minister under section 132 in circumstances in which a reference could have been

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Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002 (repealed), Section 136. (See end of Document for details)

made by a relevant sectoral regulator under section 131 as it has effect by virtue of a relevant sectoral enactment, the Commission shall, at the same time as the report under this section is published, give a copy of it to the relevant sectoral regulator concerned.

- (6) Where a reference has been made by a relevant sectoral regulator under section 131 as it has effect by virtue of a relevant sectoral enactment, the Commission shall, at the same time as the report under this section is published, give a copy of it to the OFT.
- (7) In this Part “relevant sectoral enactment” means—
- (a) [^{F1}in relation to the Director General of Telecommunications, section 50 of the Telecommunications Act 1984 (c. 12);]
 - (b) in relation to the Gas and Electricity Markets Authority, section 36A of the Gas Act 1986 (c. 44) or (as the case may be) section 43 of the Electricity Act 1989 (c. 29);
 - (c) in relation to the Director General of Water Services, section 31 of the Water Industry Act 1991 (c. 56);
 - (d) in relation to the Director General of Electricity Supply for Northern Ireland, article 46 of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1));
 - (e) in relation to the Rail Regulator, section 67 of the Railways Act 1993 (c. 43);
 - (f) in relation to the Director General of Gas for Northern Ireland, article 23 of the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2)) [^{F2}and];
 - (g) in relation to the Civil Aviation Authority, section 86 of the Transport Act 2000 (c. 38).
 - [^{F3}(h) in relation to the Office of Communications, sections 370 and 371 of the Communications Act 2003.]
- (8) In this Part “relevant sectoral regulator” means [^{F4}the Director General of Telecommunications] , the Gas and Electricity Markets Authority, the Director General of Water Services, the Director General of Electricity Supply for Northern Ireland, the Rail Regulator, the Director General of Gas for Northern Ireland [^{F5}, the Civil Aviation Authority or the Office of Communications] .
- (9) The Secretary of State may by order modify subsection (7) or (8).

Textual Amendments

- F1** S. 136(7)(a) repealed (25.7.2003 for certain purposes and 29.12.2003 for certain further purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406(1), 411(2)(3), [Sch. 19\(1\)](#) (with transitional provisions in [Sch. 18](#) and with [Sch. 19 Note 1](#)); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with arts. 3-6 (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, [art. 3\(1\)\(2\)](#) (with art. 11)
- F2** Word in s. 136(7) repealed (25.7.2003 for certain purposes and 29.12.2003 for certain further purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406(1), 411(2)(3), [Sch. 19\(1\)](#) (with transitional provisions in [Sch. 18](#) and [Sch. 19 Note 1](#)); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with arts. 3-6 (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, [art. 3\(1\)\(2\)](#) (with art. 11)
- F3** S. 136(7)(h) inserted (25.7.2003 for certain purposes and 29.12.2003 for certain further purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406(1), 411(2)(3), [Sch. 17 para. 174\(4\)\(a\)](#) (with transitional provisions in [Sch. 18](#)); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with arts. 3-6 (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, [art. 3\(1\)\(2\)](#) (with art. 11)
- F4** S. 136(8): words "the Director of Telecommunications" are repealed (25.7.2003 for certain purposes and 29.12.2003 for certain further purposes) by virtue of [Communications Act 2003 \(c. 21\)](#), ss. 406(1), 411(2)(3), [Sch. 19\(1\)](#) (with transitional provisions in [Sch. 18](#) and with [Sch. 19 Note 1](#)); S.I. 2003/1900,

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arts. 1(2), **2(1)**, 3(1), Sch. 1 (with arts. 3-6 (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(1)(2)** (with art. 11)

- F5** Words in s. 136(8) substituted (25.7.2003 for certain purposes and 29.12.2003 for certain further purposes) by Communications Act 2003 (c. 21), ss. 406(1), 411(2)(3), **Sch. 17 para. 174(4)(b)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with arts. 3-6 (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(1)(2)** (with art. 11)

Textual Amendments applied to the whole legislation

- F1** Act: for the words "solicitor of the Supreme Court of Northern Ireland" wherever they occur there is substituted (prosp.) the words "solicitor of the Court of Judicature of Northern Ireland" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148(1), **Sch. 11 para. 5** [Editorial Note: this amendment will be carried through into the text of the Act at the same time as any other effects on the Act for the year in which the relevant commencement order (or first such order) is made]

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