



Enterprise Act 2002

2002 CHAPTER 40

PART 4

[^{F1}MARKET STUDIES AND] MARKET INVESTIGATIONS

CHAPTER 3

ENFORCEMENT

Supplementary

167 Rights to enforce undertakings and orders under this Part

- (1) This section applies to any enforcement undertaking or enforcement order.
- (2) Any person to whom such an undertaking or order relates shall have a duty to comply with it.
- (3) The duty shall be owed to any person who may be affected by a contravention of the undertaking or (as the case may be) order.
- (4) Any breach of the duty which causes such a person to sustain loss or damage shall be actionable by him.
- (5) In any proceedings brought under subsection (4) against a person to whom an enforcement undertaking or enforcement order relates it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid contravening the undertaking or (as the case may be) order.
- (6) Compliance with an enforcement undertaking or an enforcement order shall also be enforceable by civil proceedings brought by the [^{F1}CMA] for an injunction or for interdict or for any other appropriate relief or remedy.
- (7) Compliance with an undertaking accepted [^{F2}by the Secretary of State] under section 157 or 159, or an order [^{F3}made by the Secretary of State] under section 158,

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Enterprise Act 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

160 or 161, shall also be enforceable by civil proceedings brought by the [^{F4}Secretary of State] for an injunction or for interdict or for any other appropriate relief or remedy.

^{F5}(8)

(9) Subsections [^{F6}(6) and (7)] shall not prejudice any right that a person may have by virtue of subsection (4) to bring civil proceedings for contravention or apprehended contravention of an enforcement undertaking or an enforcement order.

Textual Amendments

- F1** Word in s. 167(6) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 197\(2\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in s. 167(7) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 197\(3\)\(a\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Words in s. 167(7) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 197\(3\)\(b\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Words in s. 167(7) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 197\(3\)\(c\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** S. 167(8) omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 197\(4\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Words in s. 167(9) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 197\(5\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Enterprise Act 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 167(5) words substituted by [2024 c. 13 Sch. 9 para. 7\(3\)](#)
- s. 167(6) words substituted by [2024 c. 13 Sch. 9 para. 7\(4\)](#)
- s. 167(9) words substituted by [2024 c. 13 Sch. 9 para. 7\(5\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 3 Ch. 3A inserted by [2024 c. 13 Sch. 7 para. 2](#)
- s. 22(1A) inserted by [2024 c. 13 Sch. 5 para. 2\(2\)](#)
- s. 23(2)(c) and word inserted by [2024 c. 13 Sch. 4 para. 2\(3\)\(b\)](#)
- s. 23(2B) inserted by [2024 c. 13 Sch. 4 para. 2\(4\)](#)
- s. 23(4C)-(4G) inserted by [2024 c. 13 Sch. 4 para. 2\(5\)](#)
- s. 33(1A) inserted by [2024 c. 13 Sch. 5 para. 3\(2\)](#)
- s. 34ZA(1A) inserted by [2024 c. 13 Sch. 5 para. 4\(3\)](#)
- s. 34ZD-34ZF inserted by [2024 c. 13 Sch. 5 para. 7](#)
- s. 39(2A) inserted by [2024 c. 13 s. 131\(2\)\(a\)](#)
- s. 39(3A) inserted by [2024 c. 13 Sch. 5 para. 8\(3\)](#)
- s. 39(7A) inserted by [2024 c. 13 s. 131\(2\)\(c\)](#)
- s. 51(2A) inserted by [2024 c. 13 s. 132\(2\)\(a\)](#)
- s. 51(7A) inserted by [2024 c. 13 s. 132\(2\)\(c\)](#)
- s. 59(3E)(3F) inserted by [2024 c. 13 Sch. 4 para. 6\(3\)](#)
- s. 59(6A)(a)(b) substituted for words by [2024 c. 13 Sch. 4 para. 6\(5\)](#)
- s. 74(1A) inserted by [2024 c. 13 Sch. 6 para. 9\(3\)](#)
- s. 75(3A)(3B) substituted for s. 75(3) by [2024 c. 13 Sch. 6 para. 10\(4\)](#)
- s. 79(5A) inserted by [2024 c. 13 Sch. 6 para. 11\(3\)](#)
- s. 84A-84C and cross-heading inserted by S.I. 2019/93, reg. 48A (as inserted) by [S.I. 2019/1245 reg. 9](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 86(A1) inserted by S.I. 2019/93, reg. 48B(2) (as inserted) by [S.I. 2019/1245 reg. 9](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 89(A1) inserted by [2024 c. 13 Sch. 11 para. 9\(3\)](#)
- s. 89(3) inserted by [2024 c. 13 Sch. 11 para. 9\(4\)](#)
- s. 91(3)(ba) inserted by S.I. 2019/93, reg. 48E(2)(a) (as inserted) by [S.I. 2019/1245 reg. 9](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 92(A1) inserted by S.I. 2019/93, reg. 48F(2) (as inserted) by [S.I. 2019/1245 reg. 9](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it

- ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 92A inserted by S.I. 2019/93, reg. 48G (as inserted) by [S.I. 2019/1245 reg. 9](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
 - s. 94AA94AB substituted for s. 94A by [2024 c. 13 Sch. 11 para. 11](#)
 - s. 107(1)(aaa) inserted by [2024 c. 13 Sch. 5 para. 14\(2\)\(b\)](#)
 - s. 107(3)(ga)(gb) inserted by [2024 c. 13 Sch. 7 para. 4\(4\)\(a\)](#)
 - s. 107(6)(a)(b) inserted by [2024 c. 13 Sch. 5 para. 14\(3\)](#)
 - s. 107(12) inserted by [2024 c. 13 Sch. 7 para. 4\(4\)\(b\)](#)
 - s. 109(A1)(c) inserted by S.I. 2019/93, reg. 50A(2) (as inserted) by [S.I. 2019/1245 reg. 10](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
 - s. 109(8B)(8C) inserted by S.I. 2019/93, reg. 50A(4) (as inserted) by [S.I. 2019/1245 reg. 10](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
 - s. 110(1)-(1C) substituted for s. 110(1) by [2024 c. 13 Sch. 10 para. 15\(3\)](#)
 - s. 110A(3A) inserted by S.I. 2019/93, reg. 50C(3) (as inserted) by [S.I. 2019/1245 reg. 10](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
 - s. 110A(8A) inserted by [2024 c. 13 Sch. 7 para. 4\(6\)](#)
 - s. 110A(10)(11) inserted by [2024 c. 13 Sch. 28 para. 2](#)
 - s. 111(4A) inserted by [2024 c. 13 Sch. 10 para. 17\(7\)](#)
 - s. 111(5)(b)(iii) inserted by [2024 c. 13 Sch. 28 para. 3\(d\)](#)
 - s. 111(7A) inserted by [2024 c. 13 Sch. 10 para. 17\(10\)](#)
 - s. 111(9)-(11) inserted by [2024 c. 13 Sch. 10 para. 17\(12\)](#)
 - s. 112(A1)-(A3) inserted by [2024 c. 13 Sch. 10 para. 18\(2\)](#)
 - s. 112(3A) inserted by [2024 c. 13 Sch. 10 para. 18\(6\)](#)
 - s. 114(5A) inserted by [2024 c. 13 Sch. 10 para. 20\(5\)](#)
 - s. 114(12)(a) words in s. 114(12) renumbered as s. 114(12)(a) by [2024 c. 13 Sch. 10 para. 20\(7\)\(a\)](#)
 - s. 114(12)(b) inserted by [2024 c. 13 Sch. 10 para. 20\(7\)\(b\)](#)
 - s. 116(5) inserted by [2024 c. 13 Sch. 10 para. 22\(5\)](#)
 - s. 116A inserted by [2024 c. 13 Sch. 10 para. 23](#)
 - s. 117(2A) inserted by [2024 c. 13 Sch. 10 para. 24\(4\)](#)
 - s. 118(1)(c) and word inserted by [2024 c. 13 Sch. 7 para. 4\(7\)\(b\)](#)
 - s. 120(1A)(c) inserted by [2024 c. 13 Sch. 28 para. 4\(2\)](#)
 - s. 120(1A)(aa) inserted by [2024 c. 13 Sch. 7 para. 4\(8\)](#)
 - s. 120(2)(b)(i) words in s. 120(2)(b) renumbered as s. 120(2)(b)(i) by [2024 c. 13 Sch. 28 para. 4\(3\)\(a\)](#)
 - s. 120(2)(b)(i) words in s. 120(2)(b) renumbered as s. 120(2)(b)(i) by S.I. 2019/93, reg. 51A(4)(a) (as inserted) by [S.I. 2019/1245 reg. 11](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after

signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)

- s. 120(2)(b)(ii) inserted by [2024 c. 13 Sch. 28 para. 4\(3\)\(b\)](#)
- s. 120(2)(b)(ii) and word inserted by S.I. 2019/93, reg. 51A(4)(b) (as inserted) by [S.I. 2019/1245 reg. 11](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 123(2)(c) inserted by [2024 c. 13 Sch. 4 para. 9\(3\)](#)
- s. 123(3A) inserted by [2024 c. 13 Sch. 4 para. 9\(4\)](#)
- s. 124(5A) inserted by [2024 c. 13 Sch. 14 para. 2\(4\)](#)
- s. 124(6A) inserted by [2024 c. 13 Sch. 7 para. 4\(9\)\(c\)](#)
- s. 124(6A)(6B) substituted for s. 124(6A) by [2024 c. 13 Sch. 14 para. 2\(6\)](#)
- s. 124(11)(12) inserted by [2024 c. 13 Sch. 14 para. 2\(7\)](#)
- s. 127(1)(ab) inserted by [2024 c. 13 Sch. 7 para. 4\(10\)\(b\)](#)
- s. 131B(8)(9) inserted by [2024 c. 13 s. 135\(4\)](#)
- s. 133(1A)(1B) inserted by [2024 c. 13 s. 136\(2\)\(a\)](#)
- s. 133A(1)(aa) inserted by [2024 c. 13 Sch. 9 para. 2\(2\)\(b\)](#)
- s. 133A(1)(ba) inserted by [2024 c. 13 Sch. 8 para. 3\(2\)](#)
- s. 133A(1)(fa) inserted by [2024 c. 13 Sch. 9 para. 2\(2\)\(c\)](#)
- s. 133A(2)(ca) inserted by [2024 c. 13 Sch. 9 para. 2\(3\)](#)
- s. 133A(2)(za) inserted by [2024 c. 13 Sch. 8 para. 3\(3\)](#)
- s. 134(2B) inserted by [2024 c. 13 s. 136\(3\)\(c\)](#)
- s. 136(2)(aa) inserted by [2024 c. 13 Sch. 8 para. 4](#)
- s. 138A(A1)-(A3) inserted by [2024 c. 13 Sch. 9 para. 3\(2\)](#)
- s. 151(7) inserted by [2024 c. 13 s. 146\(6\)\(d\)](#)
- s. 154A and cross-heading substituted for s. 154 and cross-heading by [2024 c. 13 Sch. 8 para. 8](#)
- s. 155(3A) substituted for s. 155(3) by [2024 c. 13 Sch. 8 para. 9\(3\)](#)
- s. 156(1)(ab) inserted by [2024 c. 13 Sch. 8 para. 10\(4\)\(c\)](#)
- s. 156(4)-(7) inserted by [2024 c. 13 Sch. 8 para. 10\(6\)](#)
- s. 161A inserted by [2024 c. 13 Sch. 11 para. 16](#)
- s. 161B-161E and cross-heading inserted by [2024 c. 13 Sch. 9 para. 4](#)
- s. 162A inserted by [2024 c. 13 s. 139\(4\)](#)
- s. 162B inserted by [2024 c. 13 Sch. 9 para. 5](#)
- s. 167(1)(a) words in s. 167(1) renumbered as s. 167(1)(a) by [2024 c. 13 Sch. 9 para. 7\(2\)\(a\)](#)
- s. 167(1)(b) inserted by [2024 c. 13 Sch. 9 para. 7\(2\)\(b\)](#)
- s. 167(10) inserted by [2024 c. 13 Sch. 11 para. 17](#)
- s. 167A-167C inserted by [2024 c. 13 Sch. 11 para. 18](#)
- s. 167A heading word inserted by [2024 c. 13 Sch. 9 para. 8\(2\)](#)
- s. 167A(1)(a) words in s. 167A(1) renumbered as s. 167A(1)(a) by [2024 c. 13 Sch. 9 para. 8\(3\)\(a\)](#)
- s. 167A(1)(b) inserted by [2024 c. 13 Sch. 9 para. 8\(3\)\(b\)](#)
- s. 167B(5)(b)(i) words in s. 167B(5)(b) renumbered as s. 167B(5)(b)(i) by [2024 c. 13 Sch. 9 para. 9\(2\)](#)
- s. 167B(5)(b)(ii) and word inserted by [2024 c. 13 Sch. 9 para. 9\(3\)](#)
- s. 172(2)(h) and word inserted by [2024 c. 13 s. 139\(7\)\(a\)\(ii\)](#)
- s. 172(2)(zc) inserted by [2024 c. 13 Sch. 9 para. 11](#)
- s. 172(11) inserted by [2024 c. 13 s. 139\(7\)\(b\)](#)
- s. 174A(1)-(1C) substituted for s. 174A(1) by [2024 c. 13 Sch. 10 para. 27\(3\)](#)
- s. 174A(10) inserted by [2024 c. 13 Sch. 10 para. 27\(7\)](#)
- s. 174D(4A) inserted by [2024 c. 13 Sch. 10 para. 29\(7\)](#)
- s. 174D(6A) inserted by [2024 c. 13 Sch. 10 para. 29\(9\)](#)
- s. 174D(11)-(13) inserted by [2024 c. 13 Sch. 10 para. 29\(13\)](#)
- s. 174E(5) inserted by [2024 c. 13 Sch. 10 para. 30\(5\)](#)
- s. 174ZA inserted by [2024 c. 13 Sch. 13 para. 17](#)

- s. 177(1)(a) words in s. 177(1) renumbered as s. 177(1)(a) by [2024 c. 13 s. 139\(8\)\(b\)\(i\)](#)
- s. 177(1)(b) inserted by [2024 c. 13 s. 139\(8\)\(b\)\(ii\)](#)
- s. 180(1A)(1B) substituted for s. 180(2) by [2024 c. 13 Sch. 10 para. 32\(3\)](#)
- s. 181(4A) inserted by [2024 c. 13 Sch. 14 para. 3\(6\)](#)
- s. 181(5A)(5B) inserted by [2024 c. 13 Sch. 14 para. 3\(8\)](#)
- s. 181(11)(12) inserted by [2024 c. 13 Sch. 14 para. 3\(10\)](#)
- s. 183(3)(a)(iiiia) inserted by [2024 c. 13 Sch. 8 para. 16\(b\)](#)
- s. 194(2)(e)-(g) inserted by [2024 c. 13 s. 141\(3\)\(b\)](#)
- s. 196(2A) inserted by [2024 c. 13 s. 141\(4\)](#)
- s. 243A-243F substituted for s. 243 by [2024 c. 13 s. 326\(2\)](#)
- s. 243E(2A) inserted by [2024 c. 13 Sch. 28 para. 5](#)
- s. 246A substituted for s. 246 by [2024 c. 13 s. 326\(5\)](#)
- Sch. 4 para. 21B inserted by [2024 c. 13 Sch. 3 para. 9](#)
- Sch. 5A para. 7A inserted by [2024 c. 13 Sch. 5 para. 10\(4\)](#)
- Sch. 5A para. 1A inserted by [2024 c. 13 Sch. 6 para. 12\(2\)](#)
- Sch. 5A para. 55A substituted for Sch. 5A para. 5 by [2024 c. 13 Sch. 5 para. 10\(3\)](#)
- Sch. 5A para. 1(2)(a)(b) substituted for words by [2024 c. 13 Sch. 5 para. 10\(3\)](#)
- Sch. 6A inserted by [2024 c. 13 Sch. 7 para. 3](#)
- Sch. 6B inserted by [2024 c. 13 Sch. 7 para. 3](#)
- Sch. 8 para. 20A(1A) inserted by [2024 c. 13 Sch. 7 para. 4\(13\)](#)
- Sch. 10 para. 6(aa) inserted by S.I. 2019/93, reg. 59A(12)(b) (as inserted) by [S.I. 2019/1245 reg. 13](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 10 para. 1(aa) inserted by S.I. 2019/93, reg. 59A(4)(b) (as inserted) by [S.I. 2019/1245 reg. 13](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 10 para. 1A inserted by S.I. 2019/93, reg. 59A(5) (as inserted) by [S.I. 2019/1245 reg. 13](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)