



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 6

#### CARTEL OFFENCE

##### *Cartel offence*

#### **188** Cartel offence

- (1) An individual is guilty of an offence if he <sup>F1</sup>... agrees with one or more other persons to make or implement, or to cause to be made or implemented, arrangements of the following kind relating to at least two undertakings (A and B).
- (2) The arrangements must be ones which, if operating as the parties to the agreement intend, would—
  - (a) directly or indirectly fix a price for the supply by A in the United Kingdom (otherwise than to B) of a product or service,
  - (b) limit or prevent supply by A in the United Kingdom of a product or service,
  - (c) limit or prevent production by A in the United Kingdom of a product,
  - (d) divide between A and B the supply in the United Kingdom of a product or service to a customer or customers,
  - (e) divide between A and B customers for the supply in the United Kingdom of a product or service, or
  - (f) be bid-rigging arrangements.
- (3) Unless subsection (2)(d), (e) or (f) applies, the arrangements must also be ones which, if operating as the parties to the agreement intend, would—
  - (a) directly or indirectly fix a price for the supply by B in the United Kingdom (otherwise than to A) of a product or service,
  - (b) limit or prevent supply by B in the United Kingdom of a product or service, or
  - (c) limit or prevent production by B in the United Kingdom of a product.

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*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

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- (4) In subsections (2)(a) to (d) and (3), references to supply or production are to supply or production in the appropriate circumstances (for which see section 189).
- (5) “Bid-rigging arrangements” are arrangements under which, in response to a request for bids for the supply of a product or service in the United Kingdom, or for the production of a product in the United Kingdom—
- (a) A but not B may make a bid, or
  - (b) A and B may each make a bid but, in one case or both, only a bid arrived at in accordance with the arrangements.
- <sup>F2</sup>(6) .....
- (7) “Undertaking” has the same meaning as in Part 1 of the 1998 Act.
- [<sup>F3</sup>(8) This section is subject to section 188A.]

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#### Textual Amendments

- F1** Word in s. 188(1) omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 47\(2\)](#), [103\(3\)](#) (with [s. 47\(8\)](#)); [S.I. 2014/416](#), [art. 2\(1\)\(b\)](#) (with [Sch.](#))
- F2** S. 188(6) omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 47\(3\)](#), [103\(3\)](#) (with [s. 47\(8\)](#)); [S.I. 2014/416](#), [art. 2\(1\)\(b\)](#) (with [Sch.](#))
- F3** S. 188(8) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 47\(4\)](#), [103\(3\)](#) (with [s. 47\(8\)](#)); [S.I. 2014/416](#), [art. 2\(1\)\(b\)](#) (with [Sch.](#))

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### 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

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- 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)(iiia) 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.)