



Enterprise Act 2002

2002 CHAPTER 40

PART 3

MERGERS

CHAPTER 1

DUTY TO MAKE REFERENCES

Duty to make references: completed mergers

25 Extension of time-limits

- (1) The [^{F1}CMA] and the persons carrying on the enterprises which have or may have ceased to be distinct enterprises may agree to extend by no more than 20 days the four month period mentioned in section 24(1)(a) or (2)(b).
- (2) The [^{F1}CMA] may by notice to the persons carrying on the enterprises which have or may have ceased to be distinct enterprises extend the four month period mentioned in section 24(1)(a) or (2)(b) if it considers that any of those persons [^{F2}has failed (with or without a reasonable excuse) to comply with any requirement of a notice under section 109].
- [^{F3}(3) An extension under subsection (2) shall come into force when notice of the extension is given and end—
 - (a) when the person concerned provides the information or documents to the satisfaction of the CMA or (as the case may be) appears as a witness in accordance with the requirements of the CMA; or
 - (b) if earlier, the CMA cancels the extension.]
- (4) The [^{F1}CMA] may by notice to the persons carrying on the enterprises which have or may have ceased to be distinct enterprises extend the four month period mentioned

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in section 24(1)(a) or (2)(b) if it is seeking undertakings from any of those persons under section 73.

(5) An extension under subsection (4) shall be for the period beginning with the receipt of the notice under that subsection and ending with the earliest of the following events—

- (a) the giving of the undertakings concerned;
- (b) the expiry of the period of 10 days beginning with the first day after the receipt by the [F1CMA] of a notice from the person who has been given a notice under subsection (4) and from whom the undertakings are being sought stating that he does not intend to give the undertakings; or
- (c) the cancellation by the [F1CMA] of the extension.

F4(6)

F5(7)

F6(8)

(9) Subject to subsections (10) and (11), where the four month period mentioned in section 24(1)(a) or (2)(b) is extended or further extended by virtue of this section in relation to a particular case, any reference to that period in section 24 or the preceding provisions of this section shall have effect in relation to that case as if it were a reference to a period equivalent to the aggregate of the period being extended and the period of the extension (whether or not those periods overlap in time).

(10) Subsection (11) applies where—

- (a) the four month period mentioned in section 24(1)(a) or (2)(b) is further extended;
- (b) the further extension and at least one previous extension is made under one or more of [F7subsections (2) and (4)]; and
- (c) the same days or fractions of days are included in or comprise the further extension and are included in or comprise at least one such previous extension.

(11) In calculating the period of the further extension, any days or fractions of days of the kind mentioned in subsection (10)(c) shall be disregarded.

(12) No more than one extension is possible under subsection (1).

Textual Amendments

- F1** Word in s. 25(1)-(6) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 26(3), **Sch. 5 para. 70** (with s. 28)(with Sch.)
- F2** Words in s. 25(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 15 para. 16(2)**; S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F3** S. 25(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 15 para. 16(3)**; S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F4** S. 25(6) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **35(a)** (with Sch. 4 paras. 8-8B, 20, 28) (as amended by S.I. 2019/685, regs. 1(2), **22** and S.I. 2020/1343, regs. 1(1), **35-59**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** S. 25(7) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **35(a)** (with Sch. 4 paras. 8-8B, 20, 28) (as amended by S.I. 2019/685, regs. 1(2), **22** and S.I. 2020/1343, regs. 1(1), **35-59**); 2020 c. 1, **Sch. 5 para. 1(1)**

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- F6** S. 25(8) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **35(a)** (with Sch. 4 paras. 8-8B, 20, 28) (as amended by S.I. 2019/685, regs. 1(2), **22** and S.I. 2020/1343, regs. 1(1), **35-59**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F7** Words in s. 25(10)(b) substituted (31.12.2020) by The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **35(b)** (with Sch. 4 paras. 8-8B, 20, 28) (as amended by S.I. 2019/685, regs. 1(2), **22** and S.I. 2020/1343, regs. 1(1), **35-59**); 2020 c. 1, **Sch. 5 para. 1(1)**

Modifications etc. (not altering text)

- C1** Pt. 3 modified (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 4 para. 56**; S.I. 2014/416, art. 2(1)(c) (with Sch.)
- C2** Pt. 3 modified (31.12.2020) by The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), reg. 1(1), **Sch. 4 paras. 28-33**; 2020 c. 1, Sch. 5 para. 1(1)
- C3** Ss. 23-32 applied (with modifications) (20.6.2003) by The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (S.I. 2003/1592), **art. 2**, Sch. 1
- C4** Ss. 23-32 amendment to earlier affecting provision S.I. 2003/1592, Sch. 1 (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891), arts. 1, **16** (with arts. 20-23)
- C5** S. 25(9) modified (31.12.2020) by The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), reg. 1(1), **Sch. 4 para. 21(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002, Section 25.