



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 3 U.K.

#### MERGERS

### CHAPTER 1 U.K.

#### DUTY TO MAKE REFERENCES

##### *Determination of references*

#### [<sup>F1</sup>34C Functions to be exercised by CMA groups U.K.]

- (1) Where a reference is made to the chair of the CMA under section 22 or 33 for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, the functions of the CMA under or by virtue of the following provisions of this Part in relation to the matter concerned are to be carried out on behalf of the CMA by the group so constituted—
- (a) sections 35 to 41B, except for sections 35(6) and (7), 36(5) and (6) and 37(6);
  - (b) where a reference is treated by virtue of section 37(2) as having been made under section 22, section 23(9)(a);
  - (c) section 76, as it applies in relation to orders under section 83, and sections 77, 78 and 80 to 84;
  - (d) section 87, so far as relating to an enforcement order made on behalf of the CMA by the group;
  - (e) sections 92(4), 94 and 94A, so far as relating to an enforcement undertaking or enforcement order made on behalf of the CMA by the group;
  - (f) section 104, so far as relating to a decision mentioned in paragraph (a)(iii) of the definition of relevant decision in subsection (6) of that section;
  - (g) section 107, so far as relating to anything done on behalf of the CMA by the group;

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 34C. (See end of Document for details)*

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- (h) section 109, where the permitted purpose in question relates to a function that (by virtue of this section) is being or is to be carried out on behalf of the CMA by the group;
  - (i) sections 110 to 115, so far as relating to a notice given under section 109 on behalf of the CMA by the group;
  - (j) section 120(5)(b), so far as relating to a decision of the group;
  - (k) Schedule 10, so far as relating to an enforcement undertaking or enforcement order which the group is considering accepting or making, or which the group has accepted or made, on behalf of the CMA.
- (2) The functions of the CMA under section 95(4) in relation to the matter concerned may be carried out on behalf of the CMA by the group.
- (3) Nothing in subsection (1) prevents the CMA Board from exercising a function of the CMA under or by virtue of the following provisions of this Part where the group constituted as mentioned in subsection (1) has ceased to exist—
- (a) section 76 and Schedule 10, so far as relating to the making of an order under section 76 in relation to an order under section 83;
  - (b) section 83 and Schedule 10, so far as relating to the making of an order under section 83;
  - (c) sections 76 (as it applies in relation to an order under section 83), 80 to 84 and Schedule 10, so far as relating to the variation, supersession or release of enforcement undertakings or the variation or revocation of enforcement orders;
  - (d) section 87;
  - (e) sections 92(4) and 94.]

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**Textual Amendments**

- F1** S. 34C inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 74](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

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**Modifications etc. (not altering text)**

- C1** S. 34C modified (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 4 para. 47\(2\)](#); S.I. 2014/416, art. 2(1)(c) (with Sch.)

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise Act 2002, Section 34C.