



Enterprise Act 2002

2002 CHAPTER 40

PART 3

MERGERS

CHAPTER 2

PUBLIC INTEREST CASES

Reports on references

48 Cases where references or certain questions need not be decided

- (1) The [F¹CMA] shall cancel a reference under section 45(4) or (5) if it considers that the proposal to make arrangements of the kind mentioned in that reference has been abandoned.
- (2) In relation to the question whether a relevant merger situation has been created or the question whether a relevant merger situation will be created, a reference under section 45 may be framed so as to require the [F¹CMA] to exclude from consideration—
 - (a) subsection (1) of section 23;
 - (b) subsection (2) of that section; or
 - (c) one of those subsections if the [F¹CMA] finds that the other is satisfied.
- (3) In relation to the question whether [F²any such result as is mentioned in section 23(2)(b) has arisen or the question whether any such result will arise,] a reference under section 45 may be framed so as to require the [F¹CMA] to confine its investigation to the supply of goods or services in a part of the United Kingdom specified in the reference.

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 48. (See end of Document for details)

Textual Amendments

- F1** Word in s. 48(1)-(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 26(3), Sch. 5 para. 90 (with s. 28), [S.I. 2014/416](#), art. 2(1)(d) (with Sch.)
- F2** Words in s. 48(3) substituted (4.1.2022) by [National Security and Investment Act 2021 \(c. 25\)](#), s. 66(3), [Sch. 2 para. 6](#) (with s. 62); [S.I. 2021/1465](#), regs. 2, 3 (with regs. 4, 5)

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