



Enterprise Act 2002

2002 CHAPTER 40

^{F1}PART 3

MERGERS

CHAPTER 4

ENFORCEMENT

Undertakings and orders: general provisions

91 Register of undertakings and orders

- (1) The [^{F1}CMA] shall compile and maintain a register for the purposes of this Part.
- (2) The register shall be kept in such form as the [^{F1}CMA] considers appropriate.
- (3) The [^{F2}CMA] shall ensure that the following matters are entered in the register—
 - (a) the provisions of any enforcement undertaking accepted under this Part;
 - (b) the provisions of any enforcement order made under this Part;
 - (c) the details of any variation, release or revocation of such an undertaking or order; and
 - (d) the details of any consent given by the [^{F3}CMA] under section 77(2) or (3) or 78(2) or by the Secretary of State under paragraph 7(2) or (3) or 8(2) of Schedule 7.
- (4) The duty in subsection (3) does not extend to anything of which the [^{F4}CMA] is unaware.
- (5) The [^{F5}Secretary of State] shall inform the [^{F6}CMA] of any matters which are to be included in the register by virtue of subsection (3) and which relate to enforcement undertakings accepted [^{F7}by the Secretary of State], enforcement orders made by them or consents given [^{F7}by the Secretary of State].

Status: Point in time view as at 03/05/2023.

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 91. (See end of Document for details)

- (6) The [F8CMA] shall ensure that the contents of the register are available to the public—
- (a) during (as a minimum) such hours as may be specified in an order made by the Secretary of State; and
 - (b) subject to such reasonable fees (if any) as the [F8CMA] may determine.
- (7) If requested by any person to do so and subject to such reasonable fees (if any) as the [F8CMA] may determine, the [F8CMA] shall supply the person concerned with a copy (certified to be true) of the register or of an extract from it.
- [F9(8) In subsection (5), “Secretary of State” includes the Chancellor of the Duchy of Lancaster.]

Textual Amendments

- F1** Word in s. 91(1)(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 126(2)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Word in s. 91(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 126(3)(a)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Word in s. 91(3)(d) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 126(3)(b)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Word in s. 91(4) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 126(4)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Words in s. 91(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 126(5)(a)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Word in s. 91(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 126(5)(b)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F7** Words in s. 91(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 126(5)(c)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F8** Word in s. 91(6)(7) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 126(6)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F9** S. 91(8) inserted (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), art. 1(2), **Sch. para. 10(4)** (with art. 17)

Modifications etc. (not altering text)

- C1** S. 91 applied (with modifications) (20.6.2003) by The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (S.I. 2003/1592), art. 15, **Sch. 3 para. 1(1)(f)(6)**
- C2** S. 91 applied (29.12.2003) by Communications Act 2003 (c. 21), ss. 406(6), 411(2)(3), **Sch. 18 para. 62(7)(b)** (with transitional provisions in Sch. 18); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (subject to arts. 3(3), 11) (as amended by (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891), arts. 1, **18(1)-(17)** (with arts. 20-23))
- C3** Ss. 85-95: functions made exercisable concurrently (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), arts. 1(2), **15(2)** (with arts. 16(5)(6), 17)
- C4** Ss. 91(3), 92(1)(a), 162(1), 166(3) modified (20.6.2003) by 1977 c. 37, s. 50A(7) (as inserted by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 8(2)**); S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 8)

Status:

Point in time view as at 03/05/2023.

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002, Section 91.