



Enterprise Act 2002 (repealed)

2002 CHAPTER 40

PART 3

MERGERS

CHAPTER 4

ENFORCEMENT

Other

94 Rights to enforce undertakings and orders

- (1) This section applies to any enforcement undertaking or enforcement order.
- (2) Any person to whom such an undertaking or order relates shall have a duty to comply with it.
- (3) The duty shall be owed to any person who may be affected by a contravention of the undertaking or (as the case may be) order.
- (4) Any breach of the duty which causes such a person to sustain loss or damage shall be actionable by him.
- (5) In any proceedings brought under subsection (4) against a person to whom an enforcement undertaking or an enforcement order relates it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid contravening the undertaking or (as the case may be) order.
- (6) Compliance with an enforcement undertaking or an enforcement order shall also be enforceable by civil proceedings brought by the OFT for an injunction or for interdict or for any other appropriate relief or remedy.
- (7) Compliance with an undertaking under section 80 or 82, an order made by the Commission under section 76 or an order under section 81, 83 or 84, shall also be

Status: Point in time view as at 20/06/2003. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002 (repealed), Section 94. (See end of Document for details)

enforceable by civil proceedings brought by the Commission for an injunction or for interdict or for any other appropriate relief or remedy.

- (8) Compliance with an undertaking under paragraph 1, 3 or 9 of Schedule 7, an order made by the Secretary of State under paragraph 2 of that Schedule or an order under paragraph 5, 6, 10 or 11 of that Schedule, shall also be enforceable by civil proceedings brought by the Secretary of State for an injunction or for interdict or for any other appropriate relief or remedy.
- (9) Subsections (6) to (8) shall not prejudice any right that a person may have by virtue of subsection (4) to bring civil proceedings for contravention or apprehended contravention of an enforcement undertaking or an enforcement order.

Modifications etc. (not altering text)

- C1** S. 94 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)(i)(9)** (as amended (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))
- C2** S. 94 applied (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406(6), 411(2)(3), **Sch. 18 para. 62(7)(e)** (with transitional provisions in [Sch. 18](#)); S.I. 2003/3142, **art. 3(1)**, [Sch. 1](#) (subject to arts. 3(3), 11)
- C3** S. 94(1) applied (20.6.2003) by 1980 c. 21, s. 11D(7) (as inserted by the [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 10(3)**); S.I. 2003/1397, **art. 2(1)**, [Sch.](#) (with art. 8)
S. 94(1) applied (20.6.2003) by 1980 c. 21 s. 12(6) (as substituted by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 10(4)**); S.I. 2003/1397, **art. 2(1)**, [Sch.](#) (with art. 8)
- C4** S. 94(2) applied (20.6.2003) by 1980 c.21, s. 11D(7) (as inserted by the [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 10(3)**); S.I. 2003/1397, **art. 2(1)**, [Sch.](#) (with art. 8)
S. 94(2) applied (20.6.2003) by 1980 c. 21 s. 12(6) (as substituted by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 10(4)**); S.I. 2003/1397, **art. 2(1)**, [Sch.](#) (with art. 8)
- C5** S. 94(3) applied (20.6.2003) by 1980 c.21, s. 11D(7) (as inserted by the [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 10(3)**); S.I. 2003/1397, **art. 2(1)**, [Sch.](#) (with art. 8)
S. 94(3) applied (20.6.2003) by 1980 c. 21 s. 12(6) (as substituted by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 10(4)**); S.I. 2003/1397, **art. 2(1)**, [Sch.](#) (with art. 8)
- C6** S. 94(4) applied (20.6.2003) by 1980 c.21, s. 11D(7) (as inserted by the [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 10(3)**); S.I. 2003/1397, **art. 2(1)**, [Sch.](#) (with art. 8)
S. 94(4) applied (20.6.2003) by 1980 c. 21 s. 12(6) (as substituted by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 10(4)**); S.I. 2003/1397, **art. 2(1)**, [Sch.](#) (with art. 8)
- C7** S. 94(5) applied (20.6.2003) by 1980 c.21, s. 11D(7) (as inserted by the [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 10(3)**); S.I. 2003/1397, **art. 2(1)**, [Sch.](#) (with art. 8)
S. 94(5) applied (20.6.2003) by 1980 c. 21 s. 12(6) (as substituted by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 10(4)**); S.I. 2003/1397, **art. 2(1)**, [Sch.](#) (with art. 8)
- C8** S. 94(8) applied (20.6.2003) by 1980 c.21 s. 11D(7) (as inserted by the [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 10(3)**); S.I. 2003/1397, **art. 2(1)**, [Sch.](#) (with art. 8)
S. 94(8) applied (20.6.2003) by 1980 c. 21 s. 12(6) (as substituted by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 10(4)**); S.I. 2003/1397, **art. 2(1)**, [Sch.](#) (with art. 8)
- C9** S. 94(9) applied (20.6.2003) by 1980 c. 21, s. 11D(7) (as inserted by the [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 10(3)**); S.I. 2003/1397, **art. 2(1)**, [Sch.](#) (with art. 8)
S. 94(9) applied (20.6.2003) by 1980 c. 21 s. 12(6) (as substituted by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 10(4)**); S.I. 2003/1397, **art. 2(1)**, [Sch.](#) (with art. 8)

Status: Point in time view as at 20/06/2003. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002 (repealed), Section 94. (See end of Document for details)

Textual Amendments applied to the whole legislation

- F1** Act: for the words "solicitor of the Supreme Court of Northern Ireland" wherever they occur there is substituted (prosp.) the words "solicitor of the Court of Judicature of Northern Ireland" by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148\(1\), Sch. 11 para. 5](#) [Editorial Note: this amendment will be carried through into the text of the Act at the same time as any other effects on the Act for the year in which the relevant commencement order (or first such order) is made]

Status:

Point in time view as at 20/06/2003. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002 (repealed), Section 94.