
STATUTORY INSTRUMENTS

2004 No.2181

COMPETITION

The Enterprise Act 2002 (Enforcement Undertakings and Orders) Order 2004

Made - - - - - *20th August 2004*
Laid before Parliament *25th August 2004*
Coming into force - - - *4th October 2004*

The Secretary of State, in exercise of the powers conferred upon her by paragraphs 15(1) to 15(3), 16(1) and 17(1) of Schedule 24 to the Enterprise Act 2002⁽¹⁾, hereby makes the following Order:

Title and commencement

1. This Order may be cited as the Enterprise Act 2002 (Enforcement Undertakings and Orders) Order 2004 and shall come into force on 4th October 2004.

Interpretation

2. In this Order—

- “the Act” means the Enterprise Act 2002;
- “the 1973 Act” means the Fair Trading Act 1973⁽²⁾;
- “the Commission” means the Competition Commission;
- “the DTI” means the Department of Trade and Industry;
- “the MMC” means the Monopolies and Mergers Commission;
- “the specified undertakings” means the undertakings described in Schedule 1 hereto; and
- “the specified orders” means the orders described in Schedule 2 hereto.

Specification

3.—(1) The undertakings described in Schedule 1 hereto are hereby specified for the purposes of paragraphs 15(1), 15(3)(a) and 16(1) of Schedule 24 to the Act.

(1) 2002 c. 40.
(2) 1973 c. 41.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) The orders described in Schedule 2 hereto are hereby specified for the purposes of paragraphs 15(2), 15(3)(b) and 17(1) of Schedule 24 to the Act.

Gerry Sutcliffe,
Parliamentary Under-Secretary of State for
Employment Relations, Competition and
Consumers,
Department of Trade and Industry

20th August 2004

SCHEDULE 1

Article 3

The following undertakings have been given to and accepted by a Minister of the Crown under section 88 of the 1973 Act and are specified undertakings for the purposes of Article 3(1) of this Order:

Part I

Mergers

1. The undertakings given to the Secretary of State by Carlton Communications Plc and Granada plc following the report of the Commission entitled “Carlton Communications plc and Granada plc: A report on the proposed merger”(3).

2. The undertakings given to the Secretary of State by Centrica plc and Centrica Storage Limited following the report of the Commission entitled “Centrica plc and Dynegy Storage Ltd and Dynegy Onshore Processing UK Limited: A report on the merger situation”(4).

3. The undertakings given to the Secretary of State by Wal-Mart Stores Inc, Asda Group Limited, J Sainsbury plc, Tesco plc and Wm Morrison Supermarkets PLC following the report of the Commission entitled “Safeway plc and Asda Group Limited (owned by Wal-Mart Stores Inc); Wm Morrison Supermarkets PLC; J Sainsbury plc; and Tesco plc: A report on the mergers in contemplation”(5).

4. The undertakings given to the Secretary of State by GWR Group plc dated 22 July 2003 following the report of the Commission entitled “Scottish Radio Holdings plc and GWR Group plc and Galaxy Radio Wales and the West Limited: A report on the merger situation” (6).

5. The undertakings given to the Secretary of State by Coloplast A/S, Coloplast Limited and 4C Health Limited following the report of the Commission entitled “Coloplast A/S and SSL International plc: A report on the merger situation”(7).

6. The undertakings given to the Secretary of State by H+H International A/S following the report of the Commission entitled “H+H Celcon Limited and Marley Building Materials Limited: A report on the proposed merger”(8).

7. The undertakings given to the Secretary of State by Lloyds TSB Group plc following the report of the Commission entitled “Lloyds TSB Group plc and Abbey National plc: A report on the proposed merger”(9).

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- (3) Cm 5952, October 2003. The acceptance of the undertakings was announced in a DTI Press Notice dated 14 November 2003 (P/2003/561), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act. Patricia Hewitt, Secretary of State for Trade and Industry, subsequently agreed to the variation of the terms of the undertakings and to the correction of a typographical error in Annex 1 (Calculation of Revised Share of Broadcast Commitment) to the undertakings, details of which were announced in a DTI Press Notice dated 5 January 2004 (P/2004/2). The Press Notice provided for the publication of the varied undertakings in accordance with section 88(2A) of the 1973 Act.
- (4) Cm 5885, August 2003. The acceptance of the undertakings was announced in a DTI Press Notice dated 18 December 2003 (P/2003/622), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act.
- (5) Cm 5950, August 2003. The acceptance of the undertakings was announced in a DTI Press Notice dated 8 December 2003 (P/2003/595), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act.
- (6) Cm 5811, May 2003. The acceptance of the undertakings was announced in a DTI Press Notice dated 22 July 2003 (P/2003/420), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act.
- (7) Cm 5522, June 2002. The acceptance of the undertakings was announced in a DTI Press Notice dated 13 March 2003 (P/2003/162), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act.
- (8) Cm 5540, June 2002. The acceptance of the undertakings was announced in a DTI Press Notice dated 14 January 2003 (P/2003/19), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act.
- (9) Cm 5208, July 2001. The acceptance of the undertakings was announced in a DTI Press Notice dated 18 February 2002 (P/2002/103), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act.

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8. The undertakings given to the Secretary of State by Interbrew SA, Interbrew UK Holdings Limited and Interbrew UK Limited following the report of the Commission entitled “Interbrew SA and Bass PLC: A report on the acquisition by Interbrew SA of the brewing interests of Bass PLC”(10).

9. The undertakings given to the Secretary of State by SCR-Sibelco SA following the report of the Commission entitled “SCR-Sibelco SA and Fife Silica Sands Ltd and Fife Resources Ltd: A report on the merger situation”(11).

10. The undertakings given to the Secretary of State by British Sky Broadcasting Group plc following the report of the MMC entitled “British Sky Broadcasting Group plc and Manchester United PLC: A report on the proposed merger”(12).

11. The undertakings given to the Secretary of State by Nutreco Holding NV dated 12 March 2001 following the report of the Commission entitled “Nutreco Holding NV and Hydro Seafood GSP Ltd: A report on the proposed merger”(13).

12. The undertakings given to the Secretary of State by Sylvan International Ltd and Locker Group plc following the report of the Commission entitled “Sylvan International Ltd and Locker Group plc: A report on the merger situation”(14).

13. The undertakings given to the Secretary of State by Alanod Aluminium-Veredlung GmbH & Co and Metalloxyd Ano-Coil Limited dated 31 July 2000 following the report of the Commission entitled “Alanod Aluminium-Veredlung GmbH & Co and Metalloxyd Ano-Coil Limited: A report on the proposed merger”(15).

14. The undertakings given to the Secretary of State by ARRIVA plc dated 7 February 2000 following the report of the MMC entitled “ARRIVA plc and Lutonian Buses Ltd: A report on the merger situation”(16).

15. The undertakings given to the Secretary of State by British Airways plc dated 28 October 1999 following the report of the MMC entitled “British Airways plc and Cityflyer Express Limited: A report on the proposed merger”(17).

16. The undertakings given to the Secretary of State by Hilton Group plc dated 27 October 1999 following the report of the MMC entitled “Ladbroke Group PLC and the Coral betting business: A report on the merger situation”(18).

17. The undertakings given to the Secretary of State by Rockwool Ltd dated 11 October 1999 following the report of the MMC entitled “Rockwool Limited and Owens-Corning Building Products (UK) Limited: A report on the proposed merger”(19).

(10) Cm 5014, January 2001. The acceptance of the undertakings was announced in a DTI Press Notice dated 23 January 2002 (P/2002/045), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act.

(11) Cm 5139, June 2001. The acceptance of the undertakings was announced in a DTI Press Notice dated 31 October 2001 (P/2001/604), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act.

(12) Cm 4305, April 1999. The text of the undertakings was published as an attachment to a DTI Press Notice dated 2 August 2001 (P/2001/416) in accordance with section 88(2A) of the 1973 Act.

(13) Cm 5004, December 2000. The text of the undertakings was published as an attachment to a DTI Press Notice dated 29 March 2001 (P/2001/211) in accordance with section 88(2A) of the 1973 Act.

(14) Cm 4883, November 2000. The text of the undertakings was published as an attachment to a DTI Press Notice dated 29 March 2001 (P/2001/212) in accordance with section 88(2A) of the 1973 Act.

(15) Cm 4545, January 2000. The text of the undertakings was published as an attachment to a DTI Press Notice dated 24 August 2000 (P/2000/588) in accordance with section 88(2A) of the 1973 Act.

(16) Cm 4074, November 1998. The text of the undertakings was published as an attachment to a DTI Press Notice dated 7 February 2000 (P/2000/79) in accordance with section 88(2A) of the 1973 Act.

(17) Cm 4346, July 1999. The text of the undertakings was published as an attachment to a DTI Press Notice dated 28 October 1999 (P/99/865) in accordance with section 88(2A) of the 1973 Act.

(18) Cm 4030, September 1998. The text of the undertakings was published as an attachment to a DTI Press Notice dated 27 October 1999 (P/99/859) in accordance with section 88(2A) of the 1973 Act.

(19) Cm 4330, May 1999. The text of the undertakings was published as an attachment to a DTI Press Notice dated 11 October 1999 (P/99/813) in accordance with section 88(2A) of the 1973 Act.

18. The undertakings given to the Secretary of State by Fresenius AG dated 8 February 1999 following the report of the MMC entitled “Fresenius AG and Caremark Limited: A report on the proposed merger”(20).

19. The undertakings given to the Secretary of State by London Clubs International plc dated 14 December 1998 following the report of the MMC entitled “London Clubs International plc and Capital Corporation PLC: A report on the merger situation”(21).

20. The undertakings given to the Secretary of State by National Express Group PLC dated 15 April 1998 following the report of the MMC entitled “National Express Group PLC and ScotRail Railways Limited: A report on the merger situation”(22).

21. The undertakings given to the Secretary of State by Nutricia Holdings Limited dated 7 April 1997 following the report of the MMC entitled “Nutricia Holdings Ltd and Valio International UK Limited: A report on the merger situation”(23).

22. The undertakings given to the Secretary of State by The Thomas Cook Group Limited dated 29 March 1996 following the report of the MMC entitled “Thomas Cook Group Limited and Interpayment Services Limited: A report on the acquisition by the Thomas Cook Group Limited of the travellers cheques issuing business of Barclays Bank plc”(24).

23. The undertakings given to the Secretary of State by Robert Wiseman Dairies plc dated 28 February 1997 following the report of the MMC entitled “Robert Wiseman Dairies plc and Scottish Pride Holdings plc: A report on the proposed merger”(25).

24. The undertakings given to the Secretary of State by GEHE AG dated 17 October 1996 following the report of the MMC entitled “UniChem PLC/Lloyds Chemists plc and GEHE AG/Lloyds Chemists plc: A report on the proposed mergers”(26).

25. The undertakings given to the Secretary of State by Belfast International Airport Limited dated 30 April 1996 following the report by the MMC entitled “Belfast International Airport Limited and Belfast City Airport Limited: A report on the merger in contemplation”(27).

26. The undertakings given to the Secretary of State by Badgerline Holdings Limited (as amended in February 1996) following the report of the MMC entitled “Badgerline Holdings Ltd and Midland Red West Holdings Ltd: A report on the acquisition by Badgerline Holdings Limited of Midland Red West Holdings Limited”(28).

27. The undertakings given to the Secretary of State by the Co-operative Wholesale Society Limited following the report of the MMC entitled “Co-operative Wholesale Society Limited and

(20) Cm 3925, April 1998. The text of the undertakings was published as an attachment to a DTI Press Notice dated 30 April 1999 (P/99/361) in accordance with section 88(2A) of the 1973 Act.

(21) Cm 3721, August 1997. The text of the undertakings was published as an attachment to a DTI Press Notice dated 14 December 1998 (P/98/1016) in accordance with section 88(2A) of the 1973 Act.

(22) Cm 3773, December 1997. The text of the undertakings was published as an attachment to a DTI Press Notice dated 15 April 1998 (P/98/293) in accordance with section 88(2A) of the 1973 Act.

(23) Cm 3064, December 1995. The text of the undertakings was published as an attachment to a DTI Press Notice dated 7 April 1997 (P/97/295) in accordance with section 88(2A) of the 1973 Act.

(24) Cm 2789, March 1995. The text of the undertakings was published as an attachment to a DTI Press Notice dated 14 June 1996 (P/96/445) in accordance with section 88(2A) of the 1973 Act.

(25) Cm 3504, December 1996. The text of the undertakings was published as an attachment to a DTI Press Notice dated 28 February 1996 (P/97/184) in accordance with section 88(2A) of the 1973 Act.

(26) Cm 3344, July 1996. The text of the undertakings was published as an attachment to a DTI Press Notice dated 18 October 1996 (P/96/771) in accordance with section 88(2A) of the 1973 Act.

(27) Cm 3068, January 1996. The text of the undertakings was published as an attachment to a DTI Press Notice dated 21 May 1996 (P/96/379) in accordance with section 88(2A) of the 1973 Act.

(28) Cm 595, March 1989. The text of the undertakings was published as an attachment to a DTI Press Notice dated 3 October 1989 (P/89/687). John Taylor, Competition and Consumer Affairs Minister, subsequently agreed to the release of certain of the undertakings and to the variation of others, details of which were published in a DTI Press Notice dated 2 February 1996 (P/96/86).

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House of Fraser PLC: A report on the acquisition by the Co-operative Wholesale Society Limited of the Scottish funerals business of House of Fraser PLC”(29).

Part II

Monopoly situations

1. The undertakings given to the Secretary of State by The Royal Bank of Scotland Group PLC (“RBS”), HSBC Bank PLC (“HSBC”), Barclays Bank PLC (“Barclays”) and Lloyds TSB Bank PLC (“Lloyds TSB”) dated 17 July 2002, the undertakings given to the Secretary of State by RBS, HSBC, Barclays, Lloyds TSB, AIB Group (UK) PLC (“AIB”), Bank of Ireland (“BI”), Clydesdale Bank PLC (“Clydesdale”), HBOS PLC (“HBOS”) and Northern Bank Limited (“NB”) dated 31 October 2002 and the further undertakings given to the Secretary of State by RBS, HSBC, Barclays, Lloyds TSB, AIB, BI, Clydesdale, HBOS and NB dated 21 October 2003 following the report of the Commission entitled “The supply of banking services by clearing banks to small and medium sized enterprises”(30).

2. The undertakings given to the Secretary of State by Birds Eye Wall’s Limited (“BEW”), Nestle UK Ltd and Mars U.K. Limited dated 7 April 2000 and the further undertakings given by BEW dated 19 July 2000 following the report of the Commission entitled “The supply of impulse ice cream: A report on the supply in the United Kingdom of ice cream for immediate consumption”(31).

3. The undertakings given to the Secretary of State by Combined Independents (Holdings) Limited, Dixons Group PLC, Redcats (UK) PLC, General Domestic Appliances Holdings Ltd, Birmingham Combined Independents Limited, Combined Independents Limited, Combined Independents (Bedfordshire and Northamptonshire) Limited, Combined Independents (Lincs) Limited, Combined Independents (Liverpool) Limited, Combined Independents North Limited, Five Star Electric (Holdings) Limited, Independent Electrical Supplies (Hull) Limited, Manchester (Combined Independents) Limited, Mid-Somerset Trading Company Limited, North Derbyshire Independents Limited, Pendle Valley Retailers Limited, Radio and Electrical Buyers (Surrey) Limited and Radio Electrical Supplies (Scotland) Limited following the reports of the MMC entitled “Domestic Electrical Goods I: A report on the supply in the UK of televisions, video cassette recorders, hi-fi systems and camcorders” (32) and “Domestic Electrical Goods II: A report on the supply in the UK of washing machines, tumble driers, dishwashers and cold food storage equipment”(33).

4. The undertakings given to the Secretary of State by Performing Right Society Limited dated 27 February 1997 following the report of the MMC entitled “Performing Rights: A report on the supply

(29) Cm 229, October 1987. The text of the undertakings was published as an attachment to a DTI Press Notice dated 7 December 1987 (P/87/762).

(30) Cm 5319, March 2002. The acceptance of the undertakings dated 17 July 2002 was announced in a DTI Press Notice dated 18 July 2002 (P/2002/469), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act. The acceptance of the undertakings dated 31 October 2002 was announced in a DTI Press Notice dated 31 October 2002 (P/2002/666), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act. The acceptance of the undertakings dated 21 October 2003 was announced in a DTI Press Notice dated 27 October 2003 (P/2003/530), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act.

(31) Cm 4501, January 2000. The acceptance of the undertakings dated 7 April 2000 was announced in a DTI Press Notice dated 7 April 2000 (P/2000/260), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act. The acceptance of the further undertakings from BEW dated 19 July 2000 was announced in a DTI Press Notice dated 20 July 2000 (P/2000/509), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act.

(32) Cm 3675, July 1997. The acceptance of the undertakings was announced in a DTI Press Notice dated 20 May 1998 (P/98/397), which provided for the publication of the undertakings.

(33) Cm 3676, July 1997. The acceptance of the undertakings was announced in a DTI Press Notice dated 20 May 1998 (P/98/397), which provided for the publication of the undertakings.

in the United Kingdom of the services of administering performing rights and film synchronisation rights”(34).

5. The undertakings given to the Secretary of State by the National House-Building Council dated 7 December 1995 following the report of the MMC entitled “A report on the existence or possible existence of a monopoly situation in relation to the supply within the United Kingdom of structural warranty services in relation to new homes”(35).

6. The undertakings given to the Secretary of State by Prosper de Mulder Limited and William Forrest and Son (Paisley) Limited dated 1 February 1995 following the report of the MMC entitled “Animal Waste: A report on the supply of animal waste in England and Wales and Scotland”(36).

7. The undertaking given to the Secretary of State by the British Medical Association dated 21 September 1994 following the report of the MMC entitled “Private medical services: A report on agreements and practices relating to charges for the supply of private medical services by NHS consultants”(37).

8. The undertakings given to the Secretary of State by LRC Products Limited dated 30 June 1994 following the report of the MMC entitled “Contraceptive sheaths: A report on the supply in the United Kingdom of Contraceptive Sheaths”(38).

9. The undertakings given to the Secretary of State by the British Broadcasting Corporation dated 4 November 1992 following the report of the MMC entitled “Television Broadcasting Services: A report on the publicising, in the course of supplying a television broadcasting service, of goods supplied by a broadcaster”(39).

10. The undertakings given to the Secretary of State by Macfarlan Smith Limited dated 13 September 1989 following the report of the MMC entitled “Opium Derivatives: A report on the matter of the existence or possible existence of a monopoly situation in relation to the supply in the United Kingdom of Opium Derivatives”(40).

SCHEDULE 2

Article 3

The following orders have been made by a Minister of the Crown under section 56 of the 1973 Act and are specified orders for the purposes of Article 3(2) of this Order:

The Foreign Package Holidays (Tour Operators and Travel Agents) Order 2001(41)

The Foreign Package Holidays (Tour Operators and Travel Agents) Order 2000(42)

The Supply of New Cars Order 2000(43)

(34) Cm 3147, February 1996. The text of the undertakings was published as an attachment to a DTI Press Notice dated 10 March 1997 (P/97/212) in accordance with section 88(2A) of the 1973 Act.

(35) Cm 1439, March 1991. The acceptance of the undertakings was announced in a DTI Press Notice dated 1 February 1996 (P/96/80), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act.

(36) Cm 2340, September 1993. The acceptance of the undertakings was announced in a DTI Press Notice dated 21 February 1995 (P/95/113), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act.

(37) Cm 2452, February 1994. The acceptance of the undertaking was announced in a DTI Press Notice dated 17 November 1994 (P/94/693), which provided for the publication of the undertaking in accordance with section 88(2A) of the 1973 Act.

(38) Cm 2529, March 1994. The acceptance of the undertakings was announced in a DTI Press Notice dated 15 September 1994 (P/94/550), which provided for the publication of the undertakings in accordance with section 88(2A) of the 1973 Act.

(39) Cm 2035, August 1992. The text of the undertakings was published as an attachment to a DTI Press Notice dated 6 November 1992 (P/92/718) in accordance with section 88(2A) of the 1973 Act.

(40) Cm 630, April 1989.

(41) S.I.2001/2581.

(42) S.I. 2000/2110.

(43) S.I. 2000/2088, as amended by the Enterprise Act 2002 (c. 40).

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The Restriction on Agreements and Conduct (Specified Domestic Electrical Goods) Order 1998(44)

The Films (Exhibition Periods) Order 1996(45)

The Electrical Contracting (London Exhibition Halls) Order 1995(46)

The Credit Cards (Price Discrimination) Order 1990(47)

The Credit Cards (Merchant Acquisition) Order 1990(48)

The Restriction on Agreements and Conduct (Tour Operators) Order 1987(49)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the transfer of enforcement rights by civil proceedings of certain undertakings given to a Minister of the Crown in relation to merger and monopoly situations under section 88 of the Fair Trading Act 1973 (c. 41) (“the 1973 Act”) and of certain orders in relation to monopoly situations made by a Minister of the Crown under section 56 of the 1973 Act from any person (which would include the Secretary of State) to the Office of Fair Trading (“OFT”) and the Competition Commission (“the Commission”^{*}). It also provides for the rights of third parties who have suffered loss or damage caused by contravention of any such undertaking or order. It further provides for the transfer of the power to supersede, vary or release any such undertaking from the Minister concerned to the Commission; and for the transfer of the power to vary or revoke any such order from the Minister concerned to the Commission.

Article 3(1) provides that the undertakings described in Schedule 1 to this Order are specified for the purpose of paragraphs 15(1), 15(3)(a) and 16(1) of Schedule 24 to the Enterprise Act 2002 (c. 40) (“the Act”). The said paragraphs provide the Secretary of State with order making powers in respect of undertakings that have been given to a Minister of the Crown under section 88 of the 1973 Act. Article 3(2) provides that the orders described in Schedule 2 to this Order are specified for the purpose of paragraphs 15(2), 15(3)(b) and 17(1) of Schedule 24 to the Act. The said paragraphs provide the Secretary of State with order making powers in respect of orders that have been made by a Minister of the Crown under section 56 of the 1973 Act.

The effect of specifying undertakings and orders under paragraph 15(1) and (2) of Schedule 24 to the Act is to apply section 94(1) to (6) of that Act in relation to such undertakings and orders. Section 94(1) to (5) of the Act provides for the rights of third parties who have suffered loss or damage caused by the contravention of any specified undertaking or order; and section 94(6) of that Act provides the OFT with a power to enforce any specified undertaking or order by bringing civil proceedings. The effect of specifying undertakings and orders under paragraph 15(3)(a) and 15(3)(b) of Schedule 24 to the Act is to provide the Commission with equivalent enforcement rights to those of the OFT in relation to any such undertaking or order. Paragraph 15(5) of Schedule 24 to the Act provides in particular that sections 93 and 93A of the 1973 Act will cease to apply in relation to

(44) S.I. 1998/1271, as amended by S.I. 2000/2031.

(45) S.I. 1996/3140.

(46) S.I. 1995/3299, as amended by S.I. 2000/2031.

(47) S.I. 1990/2159, as amended by S.I. 2000/2031.

(48) S.I. 1990/2158, as amended by S.I. 2000/2031.

(49) S.I. 1987/1131, as amended by S.I. 2000/2031.

specified undertakings and orders. Sections 93 and 93A of that Act provide for any person to enforce undertakings by bringing civil proceedings.

The effect of specifying undertakings under paragraph 16(1) of Schedule 24 to the Act is to provide the Commission with a power to supersede, vary or release any such undertaking. Paragraph 16(5) of the said schedule provides that where the Commission is given a power by an order made under paragraph 16(1) of that schedule to supersede, vary or release an undertaking accepted by a Minister of the Crown under section 88 of the 1973 Act, the Minister concerned shall accordingly cease to have power under that Act to supersede, vary or release that undertaking.

The effect of specifying orders under paragraph 17(1) of Schedule 24 to the Act is to provide the Commission with a power to vary or revoke any such order. Paragraph 17(5) of the said schedule provides that where the Commission has the power by virtue of an order made under paragraph 17(1) of that schedule to vary or revoke an order made by the Minister of the Crown under section 56 of the 1973 Act, the Minister concerned shall accordingly cease to have the power to do so under that Act.

Copies of the merger undertakings and press notices referred to in Part I of Schedule 1 to this Order may be obtained from Ian Lomas, Consumer and Competition Policy Directorate, DTI (telephone: 020 7215 5009; facsimile: 020 7215 6565; e-mail: ian.lomas@dti.gov.uk). Copies of the monopoly undertakings, orders and press notices referred to in Part II of Schedule 1 and Schedule 2 to this Order may be obtained from Marie Cawley, Consumer and Competition Policy Directorate, DTI (telephone: 020 7215 6771; facsimile: 020 7215 6565; e-mail: marie.cawley@dti.gov.uk).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.