
EXPLANATORY NOTE

(This note is not part of the Order)

Section 58 of the Enterprise Act 2002 (the “Act”) specifies the public interest considerations in relation to which the Secretary of State may intervene in relevant merger situations (as defined in section 23 of the Act), special merger situations (as defined in section 59 of the Act), and European relevant merger situations (as defined in section 68(2) of the Act).

Article 2 of this Order inserts a new subsection (2E) into section 58 of the Act specifying as a public interest consideration the need to maintain in the United Kingdom the capability to combat, and to mitigate the effects of, public health emergencies.

Article 3 of this Order inserts a new paragraph 20BA into Schedule 8 to the Act. This gives the Secretary of State the power to include such provision as he considers appropriate for the purpose of maintaining in the United Kingdom the capability to combat, or to mitigate the effects of, public health emergencies in merger and special merger enforcement orders. Article 4 of this Order amends Schedule 3 to the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 to give the Secretary of State an equivalent power in relation to European merger enforcement orders.

A full impact assessment has not been produced for this instrument as no significant impact on business activities is foreseen.