

*This Statutory Instrument has been published in substitution of the SI of the same number which did not reflect the version signed by the Secretary of State. This is necessary to correct an error in the signature block on page 4 where “Enterprise” should read “Energy” where it twice occurs. It is being issued free of charge to all known recipients of that Statutory Instrument.*

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## STATUTORY INSTRUMENTS

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**2021 No. 944**

# COMPETITION

## The Public Interest Merger Reference (Cobham Ultra Acquisitions Ltd. and Ultra Electronics Holdings plc) (Pre-emptive Action) Order 2021

Made - - - - at 10.35 a.m. on  
18th August 2021  
Laid before Parliament at 4.45 p.m. on 18th August  
2021  
Coming into force - - at 4.30 p.m. on 18th  
August 2021

The Secretary of State has reasonable grounds for suspecting that it is or may be the case that as a result of the proposed acquisition by Cobham Ultra Acquisitions Limited of Ultra Electronics Holdings plc arrangements are in progress or in contemplation which, if carried into effect, will result in two or more enterprises ceasing to be distinct.

An intervention notice in respect of the relevant merger situation concerned, given by the Secretary of State on 18th August 2021 under section 42 of the Enterprise Act 2002(1), is in force.

In the opinion of the Secretary of State the exercise of the powers as set out in this Order is required for the purpose of preventing action which might prejudice a reference of the matter to the Competition and Markets Authority under section 45 of the Enterprise Act 2002(2) or impede the taking of any action under Part 3 of that Act which may be justified by the Secretary of State’s decisions on the reference.

The Secretary of State, for the purpose of preventing pre-emptive action(3), in exercise of the powers conferred by sections 86(1), 87(1) and (3) and 124(2)(b) of, and paragraph 2(2) of Schedule 7 to, the Enterprise Act 2002(4), makes the following Order:

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- (1) [2002 c.40](#); section 42 was amended by paragraphs 59 and 82 of Schedule 5, and paragraphs 15 and 21 of Schedule 15, to the Enterprise and Regulatory Reform Act [2013 \(c. 24\)](#), [S.I. 2011/1043](#) and [S.I. 2019/93](#).
  - (2) Section 45 was amended by paragraphs 59 and 85 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013; there is another amendment to section 45 but it is not relevant to this Order.
  - (3) “Pre-emptive action” is defined in paragraph 2(12) of Schedule 7 to the Enterprise Act 2002 (paragraph 2(12) was inserted into Schedule 7 by paragraphs 1 and 4 of Schedule 7 to the Enterprise and Regulatory Reform Act 2013).
  - (4) Paragraph 2(2) of Schedule 7 was amended by paragraphs 59 and 160 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.

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

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