



Enterprise Act 2002

CHAPTER 40

ENTERPRISE ACT 2002

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- 12 The Competition Appeal Tribunal

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- 4 (1) The OFT shall pay to the chairman and other...
- 5 Staff
- 6 The OFT may, with the approval of the Minister for...
- 7 Membership of committees or sub-committees of OFT
- 8 Proceedings etc.
- 9 The validity of anything done by the OFT is not...
- 10 (1) The application of the seal of the OFT shall...
- 11 A document purporting to be duly executed under the seal...
- 12 Performance of functions
- 13 Supplementary powers
- 14 Parliamentary Commissioner Act 1967 (c. 13)
- 15 House of Commons Disqualification Act 1975 (c. 24)
- 16 Northern Ireland Assembly Disqualification Act 1975 (c. 25)

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- 3 If the President is absent or otherwise unable to act...
- 4 Appointment, etc. of ordinary members
- 5 Remuneration etc. for members
- 6 Compensation for loss of office
- 7 Staff, accommodation and property
- 8 Miscellaneous
- 9 In this Schedule “chairman” and “ordinary member” mean respectively
a...
- 10 In Part 2 of Schedule 1 to the House of...
- 11 In Part 2 of Schedule 1 to the Northern Ireland...

SCHEDULE 3 — The Competition Service

Part 1 — CONSTITUTION ETC.

- 1 Membership of the Service
- 2 Chairman of Service

Status: This is the original version (as it was originally enacted).

- 3 Appointed members
- 4 Allowances, etc. for members
- 5 If, where any person ceases to hold office as an...
- 6 Staff
- 7 Procedure
- 8 (1) The application of the seal of the Service shall...
- 9 A document purporting to be duly executed under the seal...
- 10 The Service's powers
- 11 Accounts
- 12 (1) The Service shall— (a) prepare a statement of accounts...
 - Part 2 — TRANSFERS OF PROPERTY ETC. BETWEEN THE COMMISSION AND THE SERVICE
- 13 (1) The Secretary of State may make one or more...
- 14 (1) On the day appointed by a scheme under paragraph...
- 15 The transfer by paragraph 14(1) of the rights and liabilities...
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- 8 In this Part of this Schedule any reference to damages...
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- 25 Tribunal rules may make provision for the Tribunal to transfer...
- 26 Tribunal rules may make provision in connection with the transfer...

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- 1 Part 1 of the 1998 Act is amended as follows...
- 2 In section 46 (appealable decisions)— (a) in subsections (1) and...

- 3 Section 48 (appeal tribunals) shall cease to have effect.
- 4 For section 49 there is substituted— Further appeals (1) An appeal lies to the appropriate court—
- 5 In section 58(1) (findings of fact by director)—
- 6 In section 59(1) (interpretation of Part 1)—
- 7 (1) Schedule 7 (the Competition Commission) is amended as follows....
- 8 (1) Schedule 8 (appeals) is amended as follows.

SCHEDULE 6 — Schedule to be inserted in the Water Industry Act 1991

SCHEDULE 7 — Enforcement regime for public interest and special public interest cases

- 1 Pre-emptive undertakings and orders
- 2 (1) Sub-paragraph (2) applies where an intervention notice or special...
- 3 Undertakings in lieu of reference under section 45 or 62
- 4 (1) The relevant authority shall not make a reference under...
- 5 (1) Sub-paragraph (2) applies where the Secretary of State considers...
- 6 (1) Sub-paragraph (2) applies where— (a) the Secretary of State...
- 7 Statutory restrictions following reference under section 45 or 62
- 8 (1) Sub-paragraph (2) applies where— (a) a reference has been...
- 9 Final undertakings and orders
- 10 (1) Sub-paragraph (2) applies where the Secretary of State considers...
- 11 (1) The Secretary of State may, in accordance with section...

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- 2 General restrictions on conduct
- 3 (1) An order may prohibit the withholding from any person...
- 4 An order may prohibit requiring as a condition of the...
- 5 An order may prohibit— (a) discrimination between persons in the...
- 6 An order may prohibit— (a) giving, or agreeing to give...
- 7 An order may prohibit— (a) charging, for goods or services...
- 8 (1) An order may regulate the prices to be charged...
- 9 An order may prohibit the exercise of any right to...
- 10 General obligations to be performed
- 11 An order may require any activities to be carried on...
- 12 Acquisitions and divisions
- 13 (1) An order may provide for— (a) the division of...
- 14 The references in paragraph 13 to the division of a...
- 15 Supply and publication of information
- 16 An order may prohibit any person from notifying (whether by...
- 17 (1) An order may require a person supplying goods or...
- 18 An order made by virtue of paragraph 15 or 17...
- 19 An order may— (a) require any person to supply information...
- 20 National security
- 21 Supplementary
- 22 (1) An order which may prohibit the doing of anything...
- 23 Interpretation
- 24 In this Schedule “the relevant authority” means—

SCHEDULE 9 — Certain amendments of sectoral enactments

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Status: This is the original version (as it was originally enacted).

- 1 Telecommunications Act 1984 (c. 12)
 - 2 Airports Act 1986 (c. 31)
 - 3 In paragraph 13 of Schedule 1 to that Act—
 - 4 Gas Act 1986 (c. 44)
 - 5 Electricity Act 1989 (c. 29)
 - 6 Broadcasting Act 1990 (c. 42)
 - 7 Water Industry Act 1991 (c. 56)
 - 8 In section 36(1) of that Act (interpretation of Part 2...
 - 9 Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1))
 - 10 Railways Act 1993 (c. 43)
 - 11 Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1))
 - 12 In paragraph 13 of Schedule 6 to that Order—
 - 13 Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2))
 - 14 Postal Services Act 2000 (c. 26)
 - 15 Transport Act 2000 (c. 38)
- Part 2 — APPLICATION OF PART 4 OF THIS ACT TO SECTORAL
REGULATORS
- 16 Telecommunications Act 1984 (c. 12)
 - 17 Gas Act 1986 (c. 44)
 - 18 Electricity Act 1989 (c. 29)
 - 19 Water Industry Act 1991 (c. 56)
 - 20 Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1))
 - 21 Railways Act 1993 (c. 43)
 - 22 Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2))
 - 23 Transport Act 2000 (c. 38)
 - 24 (1) Section 86 of that Act (functions exercisable by the...
 - 25 In section 87 of that Act (CAA's 1973 Act functions)...
 - 26 In section 89 of that Act (carrying out functions) for...

SCHEDULE 10 — Procedural requirements for certain enforcement undertakings
and orders

- 1 Requirements for accepting undertakings and making orders
- 2 (1) Before accepting an undertaking to which this paragraph applies...
- 3 (1) If, after giving notice under paragraph 2(1) or (4),...
- 4 As soon as practicable after accepting an undertaking to which...
- 5 (1) The requirements of paragraph 2(4) (and those of paragraph...
- 6 Termination of undertakings and orders
- 7 (1) Before releasing an undertaking to which this paragraph applies...
- 8 As soon as practicable after releasing the undertaking or making...
- 9 Power to dispense with the requirements of the Schedule

SCHEDULE 11 — The Competition Commission

- 1 Schedule 7 to the 1998 Act is amended as follows....
- 2 In paragraph 1 (interpretation), after the definition of “newspaper
merger...
- 3 In paragraph 2 (appointment of members)— (a) in sub-paragraph (1)
(c),...
- 4 In paragraph 5 (the Council)— (a) in sub-paragraph (1), the...
- 5 In paragraph 6 (terms of appointment)— (a) in sub-paragraph (2),...
- 6 Paragraph 7(4) (approval of Treasury) shall cease to have effect....
- 7 Before paragraph 8 there is inserted— The Commission may publish
advice and information in relation to...
- 8 In paragraph 9 (staff)— (a) sub-paragraph (2), and in sub-paragraph...

- 9 Paragraph 10 (procedure) shall cease to have effect.
- 10 (1) Paragraph 15 (discharge of certain functions by groups) is...
- 11 (1) Paragraph 20 (requirement for two-thirds majority on reports) is...
- 12 In paragraph 22 (panel of persons to act in newspaper)...

SCHEDULE 12 — Competition Commission: certain procedural rules

SCHEDULE 13 — Listed Directives

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- 1 Council Directive 84/450/EEC of 10 September 1984 relating to the...
- 2 Council Directive 85/577/EEC of 20 December 1985 to protect the...
- 3 Council Directive 87/102/EEC of 22 December 1986 for the approximation...
- 4 Council Directive 90/314/EEC of 13 June 1990 on package travel,...
- 5 Council Directive 93/13/EEC of 5 April 1993 on unfair terms...
- 6 Directive 94/47/EC of the European Parliament and of the Council...
- 7 Directive 97/7/EC of the European Parliament and of the Council...
- 8 Directive 1999/44/EC of the European Parliament and of the Council...
- 9 Directive 2000/31/EC of the European Parliament and of the Council...

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- 10 Articles 10 to 21 of Council Directive 89/552/EEC of 3...
- 11 Articles 86 to 99 of the Directive 2001/83/EC of the...

SCHEDULE 14 — Specified functions

SCHEDULE 15 — Enactments conferring functions

SCHEDULE 16 — Schedule B1 to Insolvency Act 1986

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- 1 General
- 2 Magistrates' Courts Act 1980 (c. 43)
- 3 Companies Act 1985 (c. 6)
- 4 In section 225 (alteration of accounting reference date)—
- 5 In section 425(1) (power of company to compromise) for “an...
- 6 In section 427A(3) (mergers and divisions of public companies) for...
- 7 In section 652B(3) (duty when applying to strike off defunct...
- 8 In section 652C(4) (director's duty following application to strike off...
- 9 Insolvency Act 1986 (c. 45)
- 10 In section 1 (proposal for company voluntary arrangement)—
- 11 In section 5(3) (approval of company voluntary arrangement)—
- 12 In section 6(2)(c) (challenge of decision in relation to company...
- 13 In section 51 (power to appoint receiver: Scotland) after subsection...
- 14 At the end of section 100 (creditors' voluntary winding up)...
- 15 At the end of section 127 (winding-up: avoidance of property...
- 16 After section 129(1) (commencement of winding up) insert—
- 17 In section 140 (appointment by court of liquidator following administration...
- 18 In section 212 (misfeasance of officers)— (a) in subsection (1)(b)...
- 19 Section 230(1) (administrator to be qualified insolvency practitioner) shall cease...
- 20 In section 231(1) and (2) (appointment to office of two...
- 21 In section 232 (validity of office-holder's act) omit the word...

Status: This is the original version (as it was originally enacted).

- 22 In section 233 (utility supplies)— (a) for subsection (1)(a) substitute
—...
- 23 For section 234(1)(a) (getting in the company’s property) substitute—
- 24 For section 235(4)(a) (co-operation with office-holder) substitute—
- 25 For section 238(1)(a) (transactions at an undervalue: England and
Wales)...
- 26 (1) Section 240 (relevant time for sections 238 and 239)...
- 27 (1) Section 241 (order under section 238 or 239) shall...
- 28 (1) Section 242 (gratuitous alienations: Scotland) shall be amended as...
- 29 (1) Section 243 (unfair preferences: Scotland) shall be amended as...
- 30 In section 244(2) (extortionate credit transaction) for “the day on...
- 31 (1) Section 245 (avoidance of floating charge) shall be amended...
- 32 For section 246(1)(a) (unenforceability of lien on records) substitute—
- 33 (1) Section 247 (meaning of “insolvency” and “go into liquidation”)...
- 34 (1) Section 387 (preferential debts: “the relevant date”) shall be...
- 35 In section 422 (power to apply first Group of Parts...
- 36 In section 424(1)(a) (application for order in relation to transaction...
- 37 (1) Schedule A1 (moratorium where directors propose voluntary
arrangement) shall...
- 38 (1) Schedule 8 (scope of insolvency rules) shall be amended...
- 39 (1) Schedule 10 (punishment of offences) shall be amended as...
- 40 Company Directors Disqualification Act 1986 (c. 46)
- 41 In section 6 (duty of court to disqualify unfit director...
- 42 In section 7(3) (duty of office-holder to report to Secretary...
- 43 Companies Act 1989 (c. 40)
- 44 In section 158 (modification of insolvency law)—
- 45 In section 161(4) (disapplication of enactments to default proceedings)
for...
- 46 After section 167(1) (application by exchange or clearing house about...
- 47 (1) Section 175 (financial markets: administration) shall be amended
as...
- 48 Coal Industry Act 1994 (c. 21)
- 49 Employment Rights Act 1996 (c. 18)
- 50 Housing Act 1996 (c. 52)
- 51 At the end of section 40 (initial notice to be...
- 52 At the end of section 41 (further notice to be...
- 53 Financial Services and Markets Act 2000 (c. 8)
- 54 (1) Section 215 (provision of Financial Services Compensation Scheme
in...
- 55 For section 359 (administration order) substitute— Administration
order (1) The Authority may make an administration application under
Schedule...
- 56 For section 361 (administrator to report to Authority) substitute—
Administrator’s...
- 57 In section 362 (Financial Services Authority’s right to participate in...
- 58 After section 362 insert— Administrator appointed by company or
directors...
- 59 In section 427A(3) (mergers and divisions of public companies) for...

SCHEDULE 18 — Schedule 2A to Insolvency Act 1986

SCHEDULE 19 — Duration of bankruptcy: transitional provisions

1 Introduction

- 2 In this Schedule— “commencement” means the date appointed under section...
- 3 Neither old law nor new law to apply
- 4 General rule for discharge from pre-commencement bankruptcy
- 5 Second-time bankruptcy
- 6 Criminal bankruptcy
- 7 Income payments order
- 8 Bankruptcy restrictions order or undertaking

SCHEDULE 20 — Schedule 4A to Insolvency Act 1986

SCHEDULE 21 — Effect of bankruptcy restrictions order and undertaking

- 1 Disqualification for acting as receiver or manager
- 2 Bankruptcy offences after discharge
- 3 At the end of section 360 of that Act (obtaining...
- 4 Disqualification for acting as insolvency practitioner
- 5 Prohibition against involvement in company

SCHEDULE 22 — Individual voluntary arrangement

- 1 Annulment of bankruptcy on making of voluntary arrangement
- 2 Fast-track for making voluntary arrangement
- 3 Role of official receiver

SCHEDULE 23 — Individual insolvency: minor and consequential amendments

- 1 The Insolvency Act 1986 (c. 45) shall be amended as...
- 2 Section 275 (bankruptcy: summary administration) shall cease to have effect...
- 3 In section 280(1) (bankruptcy: discharge by order of court)—
- 4 In section 282 (annulment of bankruptcy)— (a) in subsection (4)...
- 5 For section 291(4) (co-operation with official receiver) substitute—
- 6 In section 292(1)(a) (trustee in bankruptcy: power to appoint) omit...
- 7 In section 293(1) (trustee in bankruptcy: meeting to appoint) omit...
- 8 In section 294(1) (power of creditors to requisition meeting) omit...
- 9 In section 297 (trustee: special cases)— (a) omit subsections (2)...
- 10 Omit section 298(3) (removal of trustee: summary administration).
- 11 In section 300 (trustee: vacancy)— (a) omit subsection (5), and...
- 12 In section 354(3) (concealment of property) after “the official receiver”...
- 13 At the end of section 355 (concealment and falsification of...
- 14 In the following provisions of section 399 (appointment of official...
- 15 In section 429(2)(b) (disability imposed on revoking administration order under...
- 16 (1) Schedule 9 (scope of insolvency rules) shall be amended...
- 17 In Schedule 10 (punishment of offences)— (a) in the entry...

SCHEDULE 24 — Transitional and transitory provisions and savings

- 1 Operation of references to OFT before commencement of section 2(3)
- 2 Pensions etc. of former Directors
- 3 First financial year of the OFT
- 4 First annual plan of the OFT
- 5 Last annual report of the Director General of Fair Trading
- 6 Effect of transfers under section 2
- 7 First President and Registrar of the Competition Appeal Tribunal

- 8 The person who is Registrar of Appeal Tribunals (under paragraph...
- 9 Any person who is a member of the Competition Commission...
- 10 Any member of the Competition Commission appeal panel who is,...
- 11 Nothing in paragraph 7, 8, 9 or 10 applies to...
- 12 Tribunal rules
- 13 Merger references
- 14 Monopoly references
- 15 Enforcement undertakings and orders
- 16 (1) Sub-paragraph (2) applies to any undertaking—
- 17 (1) Any order made by a Minister of the Crown...
- 18 (1) Section 94(1) to (6) shall apply in relation to...
- 19 Paragraphs 13 to 18: supplementary provision
- 20 Designation orders under Schedule 4 to the 1998 Act
- 21 Proceedings under Part 3 of the 1973 Act
- 22 Supplementary

SCHEDULE 25 — Minor and consequential amendments

- 1 Registered Designs Act 1949 (c. 88)
- 2 Agricultural Marketing Act 1958 (c. 47)
- 3 Public Records Act 1958 (c. 51)
- 4 Superannuation Act 1972 (c. 11)
- 5 Fair Trading Act 1973 (c. 41)
- 6 Consumer Credit Act 1974 (c. 39)
- 7 Restrictive Practices Court Act 1976 (c. 33)
- 8 Patents Act 1977 (c. 37)
- 9 Estate Agents Act 1979 (c. 38)
- 10 Competition Act 1980 (c. 21)
- 11 Civil Aviation Act 1982 (c. 16)
- 12 Agricultural Marketing (Northern Ireland) Order 1982 (S.I. 1982/1080 (N.I. 12))
- 13 Telecommunications Act 1984 (c. 12)
- 14 Airports Act 1986 (c. 31)
- 15 Gas Act 1986 (c. 44)
- 16 Consumer Protection Act 1987 (c. 43)
- 17 Consumer Protection (Northern Ireland) Order 1987 (S.I. 1987/2049 (N.I. 20))
- 18 Copyright, Designs and Patents Act 1988 (c. 48)
- 19 Water Act 1989 (c. 15)
- 20 Electricity Act 1989 (c. 29)
- 21 Companies Act 1989 (c. 40)
- 22 Companies (Northern Ireland) Order 1989 (S.I. 1990/593 (N.I. 5))
- 23 Courts and Legal Services Act 1990 (c. 41)
- 24 Broadcasting Act 1990 (c. 42)
- 25 Water Industry Act 1991 (c. 56)
- 26 Water Resources Act 1991 (c. 57)
- 27 Tribunals and Inquiries Act 1992 (c. 53)
- 28 Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1))
- 29 Osteopaths Act 1993 (c. 21)
- 30 Railways Act 1993 (c. 43)
- 31 Chiropractors Act 1994 (c. 17)
- 32 Coal Industry Act 1994 (c. 21)
- 33 Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1))
- 34 Broadcasting Act 1996 (c. 55)

- 35 Channel Tunnel Rail Link Act 1996 (c. 61)
- 36 Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2))
- 37 Data Protection Act 1998 (c. 29)
- 38 Competition Act 1998 (c. 41)
- 39 Greater London Authority Act 1999 (c. 29)
- 40 Financial Services and Markets Act 2000 (c. 8)
- 41 Terrorism Act 2000 (c. 11)
- 42 Postal Services Act 2000 (c. 26)
- 43 Utilities Act 2000 (c. 27)
- 44 Transport Act 2000 (c. 38)

SCHEDULE 26 — Repeals and revocations