

*These notes refer to the Enterprise Act 2002 (c.40)  
which received Royal Assent on 7 November 2002*

# **ENTERPRISE ACT 2002**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 2: the Competition Appeal Tribunal**

#### **Proceedings under Part 1 of 1998 Act**

#### ***Section 17: Third party appeals***

70. This section replaces the existing section 47 CA 1998 by a new version that removes the current requirement for a third party first to request the OFT to withdraw or vary its decision before having a right of appeal to the CAT. For those purposes, a ‘third party’ is a person who is not a party to the agreement (or the author of the conduct) in respect of which the OFT has made its decision.
71. [Section 47\(1\)](#) specifies which decisions by the OFT may be appealed by a third party. The decisions covered are the same as in the existing version of section 47(1).
72. [Section 47\(2\)](#) specifies that a third party appeal may only be made by a person with sufficient interest or who represents persons with sufficient interest. This preserves the existing position, but responsibility for determining whether the party has sufficient interest will lie with the CAT and not the OFT as at present.
73. [Section 47\(3\)](#) preserves the existing position under the current section 47(7).