

*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 3: Mergers

Summary and Background

Chapter 2: Public interest cases

Reports on references

Section 47: Questions to be decided on references under section 45

163. This section sets out the matters that the CC must decide in the case of a reference by the Secretary of State.
164. *Subsections (1) and (4)* provide that, as in all cases, the CC must first decide whether a ‘relevant merger situation’ has been created, or is in the process of being created. If so, *subsections (2), (3), (5) and (6)* provide for it to reach a view on whether it considers the merger would be adverse overall to the public interest and, if relevant to the reference, would result in a substantial lessening of competition. *Subsections (7)-(10)* ensure that the CC will consider how any of those problems might be remedied, mitigated or prevented.