

Changes to legislation: There are currently no known outstanding effects
for the Enterprise Act 2002, Paragraph 5. (See end of Document for details)

SCHEDULES

SCHEDULE 7

ENFORCEMENT REGIME FOR PUBLIC INTEREST AND SPECIAL PUBLIC INTEREST CASES

Modifications etc. (not altering text)

C1 Schs. 7, 8: functions made exercisable concurrently (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), arts. 1(2), **15(2)** (with arts. 16(5)(6), 17)

- 5 (1) Sub-paragraph (2) applies where the Secretary of State considers that—
- (a) an undertaking accepted ^{F1}... under paragraph 3 has not been, is not being or will not be fulfilled; or
 - (b) in relation to an undertaking accepted ^{F1}... under that paragraph, information which was false or misleading in a material respect was given [^{F2}to the Secretary of State] or the [^{F3}CMA] by the person giving the undertaking before he decided to accept the undertaking.
- (2) The Secretary of State may, for any of the purposes mentioned in paragraph 3(2), make an order under this paragraph.
- (3) Sub-paragraphs (3) and (4) of paragraph 3 shall apply for the purposes of sub-paragraph (2) above as they apply for the purposes of sub-paragraph (2) of that paragraph.
- (4) An order under this paragraph may contain—
- (a) anything permitted by Schedule 8; and
 - (b) such supplementary, consequential or incidental provision as the Secretary of State considers appropriate.
- (5) An order under this paragraph
- (a) shall come into force at such time as is determined by or under the order; and
 - (b) may contain provision which is different from the provision contained in the undertaking concerned.
- (6) No order shall be varied or revoked under this paragraph unless the [^{F4}CMA] advises that such a variation or revocation is appropriate by reason of a change of circumstances.
- [^{F5}(7) In this paragraph, “Secretary of State” includes the Chancellor of the Duchy of Lancaster.]

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Textual Amendments

- F1** Words in Sch. 7 para. 5(1) omitted (3.5.2023) by virtue of The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), art. 1(2), **Sch. para. 10(9)(a)(i)** (with art. 17)
- F2** Words in Sch. 7 para. 5(1)(b) substituted (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), art. 1(2), **Sch. para. 10(9)(a)(ii)** (with art. 17)
- F3** Word in Sch. 7 para. 5(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 160(5)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Word in Sch. 7 para. 5(6) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 160(5)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Sch. 7 para. 5(7) inserted (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), art. 1(2), **Sch. para. 10(9)(b)** (with art. 17)

Modifications etc. (not altering text)

- C1** Ss. 75(4)(a), 83(4)(a), 84(2)(a), 89(1), 160(4)(a), 161(3)(a), 164(1), Sch. 7 paras. 5, 10, 11 modified (20.6.2003) by 1988 c. 48, **s. 144(2)** (as substituted by 2002 (c. 40), ss. 278, 279, {Sch. 25 para. 18(2)}); S.I. 2003/1397, art. 2(1), **Sch.** (with art. 8)
- C2** Ss. 75(4)(a), 83(4)(a), 84(2)(a), 89(1), 160(4)(a), 161(3)(a), 164(1), Sch. 7 paras. 5, 10, 11 modified (20.6.2003) by 1988 c. 48, **s. 238(2)** (as substituted by 2002 (c. 40), ss. 278, 279, {Sch. 25 para. 18(4)}); S.I. 2003/1397, art. 2(1), **Sch.** (with art. 8)
- C3** Ss. 75(4)(a), 83(4)(a), 84(2)(a), 89(1), 160(4)(a), 161(3)(a), 164(1), Sch. 7 paras. 5, 10, 11 modified (20.6.2003) by 1988 c. 48, **Sch. 2A para. 17(2)** (as substituted by 2002 (c. 40), ss. 278, 279, {Sch. 25 para. 18(5)(a)}); S.I. 2003/1397, art. 2(1), **Sch.** (with art. 8)

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