



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 3

#### MERGERS

### CHAPTER 5

#### SUPPLEMENTARY

#### *General duties in relation to references*

#### **[<sup>F1</sup>104A Public consultation in relation to media mergers**

- (1) Subsection (2) applies where the [<sup>F2</sup>CMA]—
  - (a) is preparing—
    - (i) a report under section 50 on a reference which specifies a media public interest consideration; or
    - (ii) a report under section 65 on a reference which specifies a consideration specified in section 58(2A) to (2C); and
  - (b) is not under a duty to disregard the consideration concerned.
- (2) The [<sup>F2</sup>CMA] shall have regard (among other things) to the need to consult the public so far as they might be affected by the creation of the relevant merger situation or special merger situation concerned and so far as such consultation is practicable.
- (3) Any consultation of the kind mentioned in subsection (2) may be undertaken by the [<sup>F2</sup>CMA] by consulting such representative sample of the public or section of the public concerned as the [<sup>F2</sup>CMA] considers appropriate.]

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 104A. (See end of Document for details)*

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### Textual Amendments

- F1** S. 104A inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), **ss. 381**, 411(2)(3) (with transitional provisions in [Sch. 18](#)); [S.I. 2003/3142](#), **art. 3(1)**, Sch. 1 (subject to arts. 3(3), 11)
- F2** Word in s. 104A(1)-(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 26(3), **Sch. 5 para. 136**, (with s. 28); [S.I. 2014/416](#), **art. 2(1)(d)** (with Sch.)

### Modifications etc. (not altering text)

- C1** S. 104A modified by [S.I. 2003/1592](#), art. 5A(d) (as inserted (1.4.2014) by [The Enterprise Act 2002 \(Protection of Legitimate Interests\) \(Amendment\) Order 2014 \(S.I. 2014/891\)](#), arts. 1, 7 (with arts. 20-23))
- C2** Pt. 3 modified (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 4 para. 56**; [S.I. 2014/416](#), art. 2(1)(c) (with Sch.)
- C3** S. 104A applied (with modifications) (29.12.2003) by [S.I. 2003/1592](#), art. 15, Sch. 3 para. 1(1)(la) (as inserted by [The Enterprise Act 2002 and Media Mergers \(Consequential Amendments\) Order 2003 \(S.I. 2003/3180\)](#), art. 2, **Sch. para. 10(9)** (with transitional provisions and savings in art. 3))
- S. 104A applied (with modifications) (29.12.2003) by [S.I. 2003/1592](#), art. 15, Sch. 3 para. 1(12A) (as inserted by [The Enterprise Act 2002 and Media Mergers \(Consequential Amendments\) Order 2003 \(S.I. 2003/3180\)](#), art. 2, **Sch. para. 10(12)** (with transitional provisions and savings in art. 3)) (as amended (1.4.2014) by [The Enterprise Act 2002 \(Protection of Legitimate Interests\) \(Amendment\) Order 2014 \(S.I. 2014/891\)](#), arts. 1, **18(1)-(17)** (with arts. 20-23))

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise Act 2002, Section 104A.