



Enterprise Act 2002

2002 CHAPTER 40

PART 1

[^{F1}GENERAL FUNCTIONS OF THE CMA]

Miscellaneous

11 Super-complaints to OFT

- (1) This section applies where a designated consumer body makes a complaint to the [^{F1}CMA] that any feature, or combination of features, of a market in the United Kingdom for goods or services is or appears to be significantly harming the interests of consumers.
- (2) The [^{F1}CMA] must, within 90 days after the day on which it receives the complaint, publish a response stating how it proposes to deal with the complaint, and in particular—
 - (a) whether it has decided to take any action, or to take no action, in response to the complaint, and
 - (b) if it has decided to take action, what action it proposes to take.
- (3) The response must state the [^{F2}CMA's] reasons for its proposals.
- (4) The Secretary of State may by order amend subsection (2) by substituting any period for the period for the time being specified there.
- (5) “Designated consumer body” means a body designated by the Secretary of State by order.
- (6) The Secretary of State—
 - (a) may designate a body only if it appears to him to represent the interests of consumers of any description, and
 - (b) must publish (and may from time to time vary) other criteria to be applied by him in determining whether to make or revoke a designation.

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 11. (See end of Document for details)

- (7) The [F3CMA] —
- (a) must issue guidance as to the presentation by the complainant of a reasoned case for the complaint, and
 - (b) may issue such other guidance as appears to it to be appropriate for the purposes of this section.
- (8) An order under this section—
- (a) shall be made by statutory instrument, and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section—
- (a) references to a feature of a market in the United Kingdom for goods or services have the same meaning as if contained in Part 4, and
 - (b) “consumer” means an individual who is a consumer within the meaning of that Part.

Textual Amendments

- F1** Word in s. 11(1)(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 64\(2\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Word in s. 11(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 64\(3\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Word in s. 11(7) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 64\(4\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
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Modifications etc. (not altering text)

- C1** S. 11 (except s. 11(7)(a)) applied in part (20.6.2003) by [The Enterprise Act 2002 \(Super-complaints to Regulators\) Order 2003 \(S.I. 2003/1368\)](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002, Section 11.