



Enterprise Act 2002 (repealed)

2002 CHAPTER 40

PART 7

MISCELLANEOUS COMPETITION PROVISIONS

Miscellaneous

209 Reform of Community competition law

- (1) The Secretary of State may by regulations make such modifications of the 1998 Act as he considers appropriate for the purpose of eliminating or reducing any differences between—
- (a) the domestic provisions of the 1998 Act, and
 - (b) European Community competition law,
- which result (or would otherwise result) from a relevant [F¹EU] instrument made after the passing of this Act.
- (2) In subsection (1)—
- “the domestic provisions of the 1998 Act” means the provisions of the 1998 Act so far as they do not implement or give effect to a relevant [F¹EU] instrument;
 - “European Community competition law” includes any Act or subordinate legislation so far as it implements or gives effect to a relevant [F¹EU] instrument;
 - “relevant [F¹EU] instrument” means a regulation or directive under Article 83 of the Treaty establishing the European Community .
- (3) The Secretary of State may by regulations repeal or otherwise modify any provision of an Act (other than the 1998 Act) which excludes any matter from the Chapter I prohibition or the Chapter II prohibition (within the meaning of Part 1 of the 1998 Act).
- (4) The power under subsection (3) may not be exercised—
- (a) before the power under subsection (1) has been exercised; or

Status: Point in time view as at 22/04/2011. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002 (repealed), Section 209. (See end of Document for details)

- (b) so as to extend the scope of any exclusion that is not being removed by the regulations.
- (5) Regulations under this section may—
 - (a) confer power to make subordinate legislation;
 - (b) make such consequential, supplementary, incidental, transitory, transitional or saving provision as the Secretary of State considers appropriate (including provision modifying any Act or subordinate legislation); and
 - (c) make different provision for different cases or circumstances.
- (6) The power to make regulations under this section is exercisable by statutory instrument.
- (7) No regulations may be made under this section unless a draft of them has been laid before and approved by a resolution of each House of Parliament.
- (8) Paragraph 1(1)(c) of Schedule 2 to the European Communities Act 1972 (c. 68) (restriction on powers to legislate) shall not apply to regulations which implement or give effect to a relevant ^{F1}EU instrument made after the passing of this Act.

Textual Amendments

- F1** Word in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with art. 3(2)(3), 4(2), 6(4)(5))

Textual Amendments applied to the whole legislation

- F1** Act: for the words "solicitor of the Supreme Court of Northern Ireland" wherever they occur there is substituted (prosp.) the words "solicitor of the Court of Judicature of Northern Ireland" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148(1), [Sch. 11 para. 5](#) [Editorial Note: this amendment will be carried through into the text of the Act at the same time as any other effects on the Act for the year in which the relevant commencement order (or first such order) is made]

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