



Enterprise Act 2002

2002 CHAPTER 40

PART 3

MERGERS

CHAPTER 1

DUTY TO MAKE REFERENCES

Duty to make references: completed mergers

24 Time-limits and prior notice

- (1) For the purposes of section 23 two or more enterprises have ceased to be distinct enterprises at a time or in circumstances falling within this section if—
 - (a) the two or more enterprises ceased to be distinct enterprises before the day on which the reference relating to them is to be made and did so not more than four months before that day; or
 - (b) notice of material facts about the arrangements or transactions under or in consequence of which the enterprises have ceased to be distinct enterprises has not been given in accordance with subsection (2).
- (2) Notice of material facts is given in accordance with this subsection if—
 - (a) it is given to the OFT prior to the entering into of the arrangements or transactions concerned or the facts are made public prior to the entering into of those arrangements or transactions; or
 - (b) it is given to the OFT, or the facts are made public, more than four months before the day on which the reference is to be made.
- (3) In this section—

“made public” means so publicised as to be generally known or readily ascertainable; and

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Enterprise Act 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

“notice” includes notice which is not in writing.

Annotations:

Modifications etc. (not altering text)

- C1** [Ss. 23-32](#) applied (with modifications) (20.6.2003) by [The Enterprise Act 2002 \(Protection of Legitimate Interests\) Order 2003 \(S.I. 2003/1592\)](#), [art. 2](#), Sch. 1

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Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

- Blanket amendment text amended by [S.I. 2011/1043 art. 3 4](#)
- Blanket amendment text amended by [S.I. 2011/1043 art. 3 6](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 218A inserted by [S.I. 2008/1277 reg. 27](#)

Commencement Orders yet to be applied to the Enterprise Act 2002:

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2003/3340 art. 2 3](#) amendment to earlier commencing SI 2003/2093 Sch. 2

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2008/831 art. 3](#) commences (2006 c. 14)
- [S.I. 2008/1653 art. 2](#) commences (2007 c. 15)
- [S.I. 2008/2550 art. 2 Sch.](#) commences (2007 c. 17)
- [S.I. 2008/2696 art. 2 5 6](#) commences (2007 c. 15)
- [S.I. 2008/2860 art. 3 4 Sch. 1](#) commences (2006 c. 46)
- [S.I. 2009/107 art. 2-5 Sch. 1-5](#) Commencement Order
- [S.I. 2009/1604 art. 2](#) commences (2005 c. 4)
- [S.I. 2009/3250 art. 2](#) commences (2007 c. 29)
- [S.I. 2009/3294 art. 2](#) commences (2008 c. 26)
- [S.I. 2011/2329 art. 2 3](#) commences (2011 c. 5)