



Enterprise Act 2002

2002 CHAPTER 40

PART 3

MERGERS

CHAPTER 3

OTHER SPECIAL CASES

Special public interest cases

64 Cancellation and variation of references under section 62

- (1) The [^{F1}CMA] shall cancel a reference under section 62(3) if it considers that the proposal to make arrangements of the kind mentioned in that reference has been abandoned.
- (2) The [^{F1}CMA] may, if it considers that doing so is justified by the facts (including events occurring on or after the making of the reference concerned), treat a reference made under subsection (2) or (3) of section 62 as if it had been made under subsection (3) or (as the case may be) (2) of that section; and, in such cases, references in this Part to references under those enactments shall, so far as may be necessary, be construed accordingly.
- (3) Where, by virtue of subsection (2), the [^{F1}CMA] treats a reference made under subsection (2) or (3) of section 62 as if it had been made under subsection (3) or (as the case may be) (2) of that section, paragraphs ^{F2}... 2, 7 and 8 of Schedule 7 shall, in particular, apply as if the reference had been made under subsection (3) or (as the case may be) (2) of that section instead of under subsection (2) or (3) of that section.
- (4) Subsection (5) applies in relation to ^{F3}... any order made under paragraph 2 of [^{F4}Schedule 7], which is in force immediately before the [^{F1}CMA], by virtue of subsection (2), treats a reference made under subsection (2) or (3) of section 62 as if it had been made under subsection (3) or (as the case may be) (2) of that section.

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 64. (See end of Document for details)

- (5) The ^{F5}... order shall, so far as applicable, continue in force as if—
- (a) in the case of an ^{F5}... order which relates to a reference under subsection (2) of section 62^{F6}... made in relation to a reference made under subsection (3) of that section; and
 - (b) in the case of an ^{F5}... order which relates to a reference made under subsection (3) of that section^{F6}... made in relation to a reference made under subsection (2) of that section;
- and the ^{F5}... order concerned may be varied^{F7}... or revoked accordingly.
- (6) The Secretary of State may at any time vary a reference under section 62.
- (7) The Secretary of State shall consult the [^{F1}CMA] before varying any such reference.
- (8) Subsection (7) shall not apply if the [^{F1}CMA] has requested the variation concerned.
- (9) No variation by the Secretary of State under this section shall be capable of altering the consideration or considerations specified in the reference or the period permitted by virtue of section 65 within which the report of the [^{F1}CMA] under that section is to be prepared and given to the Secretary of State.

Textual Amendments

- F1** Word in s. 64(1)-(4)(7)-(9) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 107** (with s. 28); S.I. 2014/416, **art. 2(1)(d)** (with Sch.)
- F2** Word in s. 64(3) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 15 para. 27(2)**; S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F3** Words in s. 64(4) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 15 para. 27(3)(a)**; S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F4** Words in s. 64(4) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 15 para. 27(3)(b)**; S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F5** Words in s. 64(5) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 15 para. 27(4)(a)**; S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F6** Words in s. 64(5) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 15 para. 27(4)(b)**; S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F7** Words in s. 64(5) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 15 para. 27(4)(c)**; S.I. 2014/416, art. 2(1)(f) (with Sch.)

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002, Section 64.