



Enterprise Act 2002

2002 CHAPTER 40

PART 3

MERGERS

CHAPTER 4

ENFORCEMENT

Powers exercisable before references under [F1section 22, 33, 68B or 68C]

75 Order-making power where undertakings under section 73 not fulfilled etc.

- (1) Subsection (2) applies where the [F1CMA] considers that—
 - (a) an undertaking accepted by it under section 73 has not been, is not being or will not be fulfilled; or
 - (b) in relation to an undertaking accepted by it under that section, information which was false or misleading in a material respect was given to the [F1CMA] by the person giving the undertaking before the [F1CMA] decided to accept the undertaking.
- (2) The [F1CMA] may, for any of the purposes mentioned in section 73(2), make an order under this section.
- (3) Subsections (3) and (4) of section 73 shall apply for the purposes of subsection (2) above as they apply for the purposes of subsection (2) of that section.
- (4) An order under this section may contain—
 - (a) anything permitted by Schedule 8; and
 - (b) such supplementary, consequential or incidental provision as the [F2CMA] considers appropriate.
- (5) An order under this section—

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 75. (See end of Document for details)

- (a) shall come into force at such time as is determined by or under the order;
 - (b) may contain provision which is different from the provision contained in the undertaking concerned; and
 - (c) may be varied or revoked by another order.
- (6) The [F2CMA] shall, as soon as reasonably practicable, consider any representations received by it in relation to varying or revoking an order under this section.

Textual Amendments

- F1** Word in s. 75(1)(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 115](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Word in s. 75(4)(6) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 115](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Modifications etc. (not altering text)

- C1** 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.)
- C2** Ss. 75(4)(a), 83(4)(a), 84(2)(a), 89(1), 160(4)(a), 161(3)(a), 164(1) and Sch. 7 paras. 5, 10, 11 modified (20.6.2003) by [1988 c. 48](#), s. 144(2) (as substituted by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, [Sch. 25 para. 18\(2\)](#)); S.I. 2003/1397, [art. 2\(1\)](#), Sch. (with art. 8)
- C3** Ss. 75(4)(a), 83(4)(a), 84(2)(a), 89(1), 160(4)(a), 161(3)(a), 164(1) and Sch. 7 paras. 5, 10, 11 modified (20.6.2003) by [1988 c. 48](#), s. 238(2) (as substituted by [Enterprise Act 2002 \(c. 40\)](#) ss. 278, 279, {Sch. 25 para. 18(4)}); S.I. 2003/1397, [art. 2\(1\)](#), Sch. (with art. 8)
- C4** Ss. 75(4)(a), 83(4)(a), 84(2)(a), 89(1), 160(4)(a), 161(3)(a), 164(1) and Sch. 7 paras. 5, 10, 11 modified (20.6.2003) by [1988 c. 48](#), [Sch. 2A para. 17\(2\)](#) (as substituted by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, [Sch. 25 para. 18\(5\)\(a\)](#)); S.I. 2003/1397, [art. 2\(1\)](#), Sch. (with art. 8)

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002, Section 75.