

*These notes refer to the Enterprise Act 2002 (c.40)
which received Royal Assent on 7 November 2002*

ENTERPRISE ACT 2002

EXPLANATORY NOTES

OVERVIEW OF THE ACT

3. The Act is divided into eleven parts and has 281 sections and 26 Schedules.
4. **Part 1:** establishes the Office of Fair Trading (OFT), sets out its general functions, and provides for arrangements for making super-complaints to the OFT.
5. **Part 2:** establishes and makes provisions for proceedings before the Competition Appeal Tribunal (CAT).
6. **Part 3:** provides for a new merger regime, covering the definition of a qualifying merger, the duty of the OFT to make references to the Competition Commission (CC); how references are determined; the procedures that relate to certain public interest cases and other special cases; powers of enforcement; undertakings and orders; and various supplementary matters, such as information and publicity requirements and powers to require information.
7. **Part 4:** makes provision for new market investigations arrangements. It sets out the power of the OFT and the Secretary of State to make references to the CC, and how the CC should report on the references. It provides for particular arrangements to apply in public interest cases, and also covers powers of enforcement and various supplementary matters.
8. **Part 5:** deals with the CC, and provides for its rules of procedure.
9. **Part 6:** deals with the creation of a cartel offence.
10. **Part 7:** deals with a number of miscellaneous competition provisions, including powers to disqualify directors who engage in serious competition breaches.
11. **Part 8:** deals with new procedures for enforcing certain consumer legislation, and miscellaneous related matters.
12. **Part 9:** provides for rules to govern the disclosure of specified information held by a public authority, setting out the circumstances in which the information may be disclosed, and various related matters.
13. **Part 10:** changes insolvency law by providing for a new regime for company administration and restricting the future use of administrative receivership; abolishing Crown preference; establishing a new regime for the insolvency of individuals; and making changes to the operation of the Insolvency Services Account.
14. **Part 11:** contains a number of supplementary provisions, such as commencement, short title and territorial extent.