

---

**Changes to legislation:** There are currently no known outstanding effects  
for the Enterprise Act 2002, Paragraph 2. (See end of Document for details)

---

## SCHEDULES

### SCHEDULE 25

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Agricultural Marketing Act 1958 (c. 47)*

- 2 (1) The Agricultural Marketing Act 1958 is amended as follows.
- (2) In section 19A (action following report by Commission)—
- (a) for subsection (1) there is substituted—
- “(1) Subsection (2) applies in any of the following cases.
- (1A) The first case is where section 138(2) of the Enterprise Act 2002 (duty to remedy adverse effects following market investigation reference) applies and whatever is to be remedied, mitigated or prevented relates to any provision of a scheme or any act or omission of a board administering a scheme.
- (1B) The second case is where section 147(2) of the Enterprise Act 2002 (power to remedy adverse effects in public interest cases) applies and whatever is to be remedied, mitigated or prevented relates to any provision of a scheme or any act or omission of a board administering a scheme.
- (1C) The third case is where—
- (a) a report of the Competition Commission under section 11 of the Competition Act 1980 (c. 21) (references of public bodies etc.), as laid before Parliament, contains conclusions to the effect that—
- (i) certain matters indicated in the report operate against the public interest, and
- (ii) those matters consist of or include any provision of a scheme or any act or omission of a board administering a scheme, and
- (b) none of the conclusions is to be disregarded by virtue of section 11C(3) of that Act (requirement for two-thirds majority).”;
- (b) in subsection (2)—
- (i) the words from the beginning of the subsection to “this section” shall cease to have effect;
- (ii) for the words from “those conclusions” to the end of the subsection there is substituted “ a report of a committee of investigation had contained the conclusion that the provision of the scheme in question, or the act or omission in question, is contrary to the interests of consumers of the regulated product ”;

---

*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Paragraph 2. (See end of Document for details)*

---

(c) after subsection (2) there is inserted—

“(3) An order made by virtue of this section in a case mentioned in subsection (1A) or (1B) shall be treated, for the purposes of sections 162(1) and 166(3) of the Enterprise Act 2002 (duties to register and keep under review enforcement orders etc.), as if it were made under the relevant power in Part 4 of that Act to make an enforcement order (within the meaning of that Part).”

- (3) For the purposes of the Scotland Act 1998 (c. 46) the amendments made by subparagraph (2) shall be taken to be pre-commencement enactments within the meaning of that Act.
- (4) In section 47(2) (restrictions on disclosing certain information obtained under Act), in paragraph (aa) of the proviso—
- (a) for “the Director General of Fair Trading or any of the staff appointed by that Director General” there is substituted “ the Office of Fair Trading ”;
  - (b) for “the Director General to perform any functions of theirs or his” there is substituted “ the Office of Fair Trading to perform any functions of theirs or its ”;
  - (c) at the end there is inserted “ or the Enterprise Act 2002 ”.

#### Commencement Information

- II** [Sch. 25 para. 2](#) wholly in force at 20.6.2003; [Sch. 25 para. 2](#) not in force at Royal Assent see [s. 279](#); [Sch. 25 para. 2\(1\)](#) in force for certain purposes and [Sch. 25 para. 2\(4\)](#) in force at 1.4.2003 by [S.I. 2003/766](#), [art. 2](#), [Sch.](#), [Sch. 25 para. 2](#) in force for remaining purposes at 20.6.2003 by [S.I. 2003/1397](#), [art. 2\(1\)](#), [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise Act 2002, Paragraph 2.