



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 3

#### MERGERS

### CHAPTER 5

#### SUPPLEMENTARY

#### *Investigation powers*

#### **[<sup>F1</sup>110A Restriction on powers to impose penalties under section 110**

- (1) No penalty shall be imposed by virtue of section 110(1) or (3) if more than 4 weeks have passed since the day which is the relevant day in the case in question; but this subsection shall not apply in relation to any variation or substitution of the penalty which is permitted by virtue of this Part.
- (2) In the following provisions of this section, “the section 109 power” means the power under section 109 to which the failure or (as the case may be) the obstruction or delay in question relates.
- (3) Where the section 109 power is exercised in connection with an enforcement function (within the meaning of that section), the relevant day is the day when the enforcement undertaking concerned is superseded or released or (as the case may be) the enforcement order concerned is revoked.
- (4) Except where subsection (3) applies, the relevant day is the day determined in accordance with the following provisions of this section.
- (5) Where the section 109 power is exercised for the purpose mentioned in section 109(A1)(a) in connection with a matter that is the subject of a possible reference under section 22 or 33, the relevant day is the day when the CMA finally decides whether to make the reference.

*Status: Point in time view as at 01/04/2014. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 110A. (See end of Document for details)*

- (6) Where the section 109 power is exercised for the purpose mentioned in section 109(A1)(a) in connection with a matter that is the subject of a reference under section 22 or 33, the relevant day is the day when the reference is finally determined (see section 79).
- (7) Where the section 109 power is exercised for the purpose mentioned in section 109(A1)(b) in connection with a matter that is the subject of a possible reference under section 45 or 62, the relevant day is the day when the Secretary of State finally decides whether to make the reference.
- (8) Where the section 109 power is exercised for the purpose mentioned in section 109(A1)(b) in connection with a matter that is the subject of a reference under section 45 or 62, the relevant day is the day when the reference is finally determined.]

#### Textual Amendments

- F1** Ss. 110A, 110B inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), ss. 29\(11\), 103\(3\)](#); [S.I. 2014/416, art. 2\(1\)\(b\)](#) (with [Sch.](#)) (with savings in [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) \(No. 2\) Order 2014 \(S.I. 2014/549\)](#), [art. 1\(1\)](#), [Sch. 1 para. 6](#) (with [art. 3](#)))

#### Modifications etc. (not altering text)

- C1** S. 110A applied (with modifications) by 1980 c. 21, s. 11B(2A) (as inserted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), [art. 1\(1\)](#), [Sch. 1 para. 36\(5\)](#) (with [art. 3](#), [Sch. 2 para. 2](#)))
- C2** S. 110A applied (with modifications) by 1980 c. 21, s. 11B(1)(ba) (as inserted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), [art. 1\(1\)](#), [Sch. 1 para. 36\(2\)\(b\)](#) (with [art. 3](#), [Sch. 2 para. 2](#)))

**Status:**

Point in time view as at 01/04/2014. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise Act 2002, Section 110A.