



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 3

#### MERGERS

### CHAPTER 4

#### ENFORCEMENT

*Powers exercisable before references under [F1 section 22, 33, 68B or 68C]*

#### **76 Supplementary interim order-making power**

- (1) Subsection (2) applies where—
  - (a) the [F1CMA] has the power to make an order under section 75 in relation to a particular undertaking and intends to make such an order; or
  - (b) the [F2CMA] has the power to make an order under section 83 in relation to a particular undertaking and intends to make such an order.
- (2) The [F3CMA] may, for the purpose of preventing any action which might prejudice the making of that order, make an order under this section.
- (3) No order shall be made under subsection (2) unless the [F3CMA] has reasonable grounds for suspecting that it is or may be the case that action which might prejudice the making of the order under section 75 or (as the case may be) 83 is in progress or in contemplation.
- (4) An order under subsection (2) may—
  - (a) prohibit or restrict the doing of things which the [F4CMA] considers would prejudice the making of the order under section 75 or (as the case may be) 83;
  - (b) impose on any person concerned obligations as to the carrying on of any activities or the safeguarding of any assets;

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 76. (See end of Document for details)*

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- (c) provide for the carrying on of any activities or the safeguarding of any assets either by the appointment of a person to conduct or supervise the conduct of any activities (on such terms and with such powers as may be specified or described in the order) or in any other manner;
  - (d) do anything which may be done by virtue of paragraph 19 of Schedule 8.
- (5) An order under this section—
- (a) shall come into force at such time as is determined by or under the order; and
  - (b) may be varied or revoked by another order.
- (6) An order under this section shall, if it has not previously ceased to be in force, cease to be in force on—
- (a) the coming into force of an order under section 75 or (as the case may be) 83 in relation to the undertaking concerned; or
  - (b) the making of the decision not to proceed with such an order.
- (7) The [<sup>F5</sup>CMA] 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. 76(1)(a) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 5 para. 116\(2\)\(a\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Word in s. 76(1)(b) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 5 para. 116\(2\)\(b\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Word in s. 76(2)(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 5 para. 116\(3\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Word in s. 76(4) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 5 para. 116\(3\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Word in s. 76(7) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 5 para. 116\(3\)](#) (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.)

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise Act 2002, Section 76.