

Status: Point in time view as at 01/04/2014.

Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Cross Heading: Interim measures following references under section 22 or 33. (See end of Document for details)

SCHEDULES

SCHEDULE 7

MERGERS: INTERIM MEASURES

Interim measures following references under section 22 or 33

1 Part 3 of the 2002 Act (mergers) is amended as follows.

Commencement Information

II Sch. 7 para. 1 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 2 (1) Section 80 (interim undertakings) is amended as follows.
- (2) In subsection (1), for “Subsections (2) and (3)” substitute “ Subsections (2) and (2A) ”.
- (3) After subsection (2) insert—
- “(2A) Where the CMA has reasonable grounds for suspecting that pre-emptive action has or may have been taken, it may, for the purpose of restoring the position to what it would have been had the action not been taken or otherwise for the purpose of mitigating its effects, accept from such of the parties concerned as it considers appropriate undertakings to take such action as it considers appropriate.”
- (4) After subsection (2A) insert—
- “(2B) A person may, with the consent of the CMA, take action or action of a particular description where the action would otherwise constitute a contravention of an undertaking under this section.”
- (5) Omit subsections (3) and (4).
- (6) In subsection (5), for “Any other undertaking” substitute “ An undertaking ”.
- (7) Omit subsection (6).

Commencement Information

I2 Sch. 7 para. 2 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 3 (1) Section 81 (interim orders) is amended as follows.
- (2) In subsection (1) for “Subsections (2) and (3)” substitute “ Subsections (2) and (2A) ”.
- (3) After subsection (2) insert—

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“(2A) Where the CMA has reasonable grounds for suspecting that pre-emptive action has or may have been taken, it may by order, for the purpose of restoring the position to what it would have been had the action not been taken or otherwise for the purpose of mitigating its effects—

- (a) do anything mentioned in subsection (2)(b) to (d);
- (b) impose such other obligations, prohibitions or restrictions as it considers appropriate for that purpose.”

(4) After subsection (2A) insert—

“(2B) A person may, with the consent of the CMA, take action or action of a particular description where the action would otherwise constitute a contravention of an order under this section.”

(5) Omit subsections (3) and (4).

(6) In subsection (5), for “Any other order” substitute “ An order ”.

(7) Omit subsection (6).

Commencement Information

I3 Sch. 7 para. 3 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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