
STATUTORY INSTRUMENTS

2003 No. 1592

**The Enterprise Act 2002 (Protection
of Legitimate Interests) Order 2003**

Publicity requirements

14.—(1) The Commission shall publish—

- (a) any cancellation made by it under article 7(1) of a reference under article 5;
- (b) any extension by it under article 9 of the period within which a report under article 8 is to be prepared and published;
- (c) any decision made by it under article 9(7)(b) to cancel such an extension; and
- (d) any decision made by it under article 7(4) to treat a reference made under paragraph (2) or (3) of article 5 as if it had been made under paragraph (3) or (as the case may be) (2) of that article.

(2) The Secretary of State shall publish—

- (a) any European intervention notice given by her;
- (b) any report of the OFT under article 4 which has been received by her;
- (c) any reference made by her under article 5 or any decision made by her not to make a reference;
- (d) any variation by her under article 7 of a reference under article 5;
- (e) any report of the Commission under article 8 which has been received by her;
- (f) any decision made by her neither to accept an undertaking under paragraph 9 of Schedule 2 nor to make an order under paragraph 11 of that Schedule;
- (g) any enforcement undertaking accepted by her under paragraph 1 of Schedule 2;
- (h) any variation or release of such an undertaking;
- (i) any decision made by her as mentioned in paragraph 6(6)(b) of Schedule 2; and
- (j) any decision to dispense with the requirements of Schedule 10 of the Act.

(3) Where any person is under a duty by virtue of paragraphs (1) or (2) to publish the result of any action taken by that person or any decision made by that person, the person concerned shall, subject to paragraph (4), also publish that person's reasons for the action concerned or (as the case may be) the decision concerned.

(4) Such reasons need not, if it is not reasonably practicable to do so, be published at the same time as the result of the action concerned or (as the case may be) as the decision concerned.

(5) The Secretary of State shall publish her reasons for any decision made by her under article 12(2).

(6) Such reasons may be published after the publication of the decision concerned if it is not reasonably practicable to publish them at the same time as the publication of the decision.

(7) The Secretary of State shall publish—

- (a) the report of the OFT under article 4 in relation to a matter no later than publication of her decision as to whether to make a reference under article 5 in relation to that matter; and
- (b) the report of the Commission under article 8 in relation to a matter no later than publication of her decision under article 12(2) in relation to that matter.

(8) Where the Secretary of State has decided under article 12(7) to accept an undertaking under paragraph 9 of Schedule 2 or to make an order under paragraph 11 of that Schedule, she shall (after the acceptance of the undertaking or (as the case may be) the making of the order) lay details of her decision and her reasons for it, and the Commission's report under article 8, before each House of Parliament.