
STATUTORY INSTRUMENTS

2003 No. 766

**The Enterprise Act 2002 (Commencement No. 2,
Transitional and Transitory Provisions) Order 2003**

Citation and interpretation

1.—(1) This Order may be cited as the Enterprise Act 2002 (Commencement No. 2, Transitional and Transitory Provisions) Order 2003.

(2) In this Order—

“the Act” means the Enterprise Act 2002;

“appeal tribunal” means an appeal tribunal of the Competition Commission;

“existing appeal” means an appeal made to the Competition Commission under section 46 or 47 of the Competition Act 1998⁽¹⁾ or regulation 25 or 26 of the EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001⁽²⁾ which has not been finally determined before 1st April 2003; and

“the Tribunal” means the Competition Appeal Tribunal.

(3) In this Order (save where the context otherwise requires) references to sections and Schedules are references to sections of and Schedules to the Act.

Provisions of the Act commenced by this Order

2. 1st April 2003 is the appointed day for the coming into force of the provisions of the Act listed in the first column of the Schedule to this Order for the purposes set out in the second column.

Transitional and transitory provision

3.—(1) Any existing appeal shall be deemed to have been made to the Tribunal and shall continue as an appeal to the Tribunal and anything having any continuing effect done in relation to an existing appeal (including anything done for the purpose of an appeal from a decision made in relation to an existing appeal and anything done in connection with a request for a preliminary ruling of the Court of Justice of the European Communities in relation to an existing appeal) shall be deemed for all purposes to have been done in relation to an appeal to the Tribunal and is not to be invalidated by the commencement of any of the provisions brought into force by this Order.

(2) Without prejudice to the generality of paragraph (1), for the purposes of any existing appeal, anything done by the President of the Competition Commission Appeal Tribunals, the Registrar of Appeal Tribunals, and an appeal tribunal shall be deemed for all purposes to have been done by the President of the Competition Appeal Tribunal, the Registrar of the Competition Appeal Tribunal, and the Tribunal, respectively, and the members of any tribunal constituted by the President of the Competition Commission Appeal Tribunals in relation to an existing appeal in accordance with paragraph 27 of Schedule 7 to the Competition Act 1998 shall be treated as being the members of the Tribunal constituted in accordance with section 14 of the Act for the purposes of the relevant appeal.

(1) 1998 c. 41.

(2) S.I.2001/2916, to which there are amendments not relevant to this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

18th March 2003

Melanie Johnson,
Parliamentary Under-Secretary of State for
Competition, Consumers and Markets,
Department of Trade and Industry