

---

STATUTORY INSTRUMENTS

---

**2014 No. 891**

**The Enterprise Act 2002 (Protection of  
Legitimate Interests) (Amendment) Order 2014**

**Transitional provision and savings: general**

**20.**—(1) Anything which was, immediately before 1st April 2014, in the process of being done by or in relation to the transferor may, so far as it relates to a transferred function, be continued by or in relation to the transferee.

(2) Anything done (or having effect as if done) by or in relation to the transferor for the purposes of or in connection with a transferred function, and which was in force or effective immediately before 1st April 2014, has effect as if done by or in relation to the transferee so far as that is required for continuing its effect on or after that date.

(3) In the application of paragraph (1) or (2)—

- (a) any reference made before 1st April 2014 to the Competition Commission under article 5 of the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 is to be treated, so far as provided by those paragraphs, as a reference under that article to the chair of the CMA for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013; and
- (b) any authorisation given before 1st April 2014, so far as it authorises a named member or member of staff of the Office of Fair Trading or the Competition Commission, continues to authorise that individual (but no other) on or after that date if, and only if, the individual is a member or (as the case may be) a member of staff of the CMA.

(4) Where, in the application of paragraph (1) or (2), any functions exercisable immediately before 1st April 2014 by a Commission group are to be exercisable on or after that date by a CMA group—

- (a) any person who, immediately before that date, was a member of the Commission group is to be treated, on or after that date, as a member of the CMA group concerned if the person is a member of the CMA panel;
- (b) any person who, immediately before that date, was the chairman of the Commission group is to be treated, on or after that date, as the chair of the CMA group if the person is a member of the CMA panel; and
- (c) the persons treated as mentioned in sub-paragraph (a) or (b) are to be treated, on or after that date, as if they have been constituted in accordance with Part 3 of Schedule 4 to the Enterprise and Regulatory Reform Act 2013 as the chair and other members of the CMA group (and that Part applies accordingly in relation to the operation of the group).

(5) So far as necessary for the purposes or in consequence of paragraphs (1) to (4), any notice, order, undertaking or other instrument or document given, accepted or made before 1st April 2014 has effect as if any references (however expressed) to the transferor were references to the transferee.

(6) The following are to have effect, so far as they continue to have effect by virtue of article 22 or 23, as if any references (however expressed) to the transferor were references to the transferee—

- (a) any provision of the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 as it was in force immediately before 1st April 2014;
  - (b) any notice, undertaking or other document given, accepted or made before that date.
- (7) In this article—
- “CMA Board” means the Board constituted under Part 2 of Schedule 4 to the Enterprise and Regulatory Reform Act 2013;
  - “CMA chair” means the person appointed to chair the CMA and the CMA Board under paragraph 1(1)(a) of Schedule 4 to that Act;
  - “CMA group” means a group constituted in accordance with Part 3 of Schedule 4 to that Act;
  - “CMA panel” means the panel constituted in accordance with Part 3 of Schedule 4 to that Act;
  - “Commission group” means a group constituted under paragraph 15 of Schedule 7 to the Competition Act 1998<sup>(1)</sup> to perform functions of the Competition Commission under the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003;
  - “transferee” means the CMA, the CMA Board, a CMA group, the CMA chair, another member of the CMA or (as the case may be) a member of staff of the CMA;
  - “transferor” means the Office of Fair Trading, the Competition Commission, a Commission group, the chair of the Office of Fair Trading or Competition Commission, another member of the Office of Fair Trading or Competition Commission or a member of staff of the Office of Fair Trading or the Competition Commission; and
  - “transferred function” means a function conferred by this Order on the transferee which was immediately before 1st April 2014 conferred by the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 on the transferor.
- (8) References in this article to things done include references to things omitted to be done.

---

(1) 1998 c.41. Paragraph 15 was amended by paragraph 10 of Schedule 11 and paragraph 1 of Schedule 26 to the Enterprise Act 2002 and repealed by paragraph 222 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.