



Enterprise Act 2002

2002 CHAPTER 40

PART 4

[^{F1}MARKET STUDIES AND] MARKET INVESTIGATIONS

CHAPTER 1

[^{F1}MARKET STUDIES AND] MARKET INVESTIGATION REFERENCES

Making of references

132 Ministerial power to make references

- (1) Subsection (3) applies where, in relation to any goods or services^[F1]—
 - (a) the appropriate Minister is not satisfied with a decision of the [^{F2}CMA] not to make a reference under section 131^[F3]; and
 - (b) in a case in which the CMA has published a market study notice under section 130A, the period permitted by section 131B for the preparation and publication by the CMA of the market study report has expired.]
- (2) Subsection (3) also applies where, in relation to any goods or services, the appropriate Minister—
 - (a) has brought to the attention of the [^{F2}CMA] information which the appropriate Minister considers to be relevant to the question of whether the [^{F2}CMA] should make a reference under section 131; but
 - (b) is not satisfied that the [^{F2}CMA] will decide, within such period as the appropriate Minister considers to be reasonable, whether [^{F4}to publish a market study notice in relation to the matter concerned].
- (3) The appropriate Minister may, subject to subsection (4), make a reference to the [^{F5}chair of the CMA for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013] if he has reasonable grounds for suspecting that any feature, or combination of features, of a market in the United Kingdom for goods

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or services prevents, restricts or distorts competition in connection with the supply or acquisition of any goods or services in the United Kingdom or a part of the United Kingdom.

[^{F6}(3A) In a case where the feature or each of the features concerned falls within section 131(2) (b) or (c), a reference under subsection (3) may be made in relation to more than one market in the United Kingdom for goods or services.]

- (4) No reference shall be made under this section if^{F7}—
- (a) the making of the reference is prevented by [^{F8}section 156(A1) or (1)]^{F9}; or
 - (b) a reference has been made under section 140A(6) in relation to the same matter but has not been finally determined.]
- (5) In this Part “the appropriate Minister” means—
- (a) the Secretary of State;^{F10}...
 - (b) the Secretary of State and one or more than one other Minister of the Crown acting jointly;
 - [^{F11}(c) the Scottish Ministers and the Secretary of State acting jointly; or
 - (d) the Scottish Ministers, the Secretary of State and one or more than one other Minister of the Crown, acting jointly.]

Textual Amendments

- F1** Word in s. 132(1) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 12 para. 10\(2\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Word in s. 132(1)(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 164\(2\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** S. 132(1)(b) and word inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 12 para. 10\(2\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Words in s. 132(2)(b) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 12 para. 10\(3\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Words in s. 132(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 164\(3\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** S. 132(3A) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 34\(2\)](#), 103(3); S.I. 2014/416, art. 2(1)(b) (with Sch.)
- F7** Words in s. 132(4) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 10 para. 3\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F8** Words in s. 132(4) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 34\(3\)](#), 103(3); S.I. 2014/416, art. 2(1)(b) (with Sch.)
- F9** Words in s. 132(4) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 10 para. 3\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F10** Word in s. 132(5) omitted (23.5.2016) by virtue of [Scotland Act 2016 \(c. 11\)](#), [ss. 63\(a\)](#), 72(7)
- F11** S. 132(5)(c)(d) inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), [ss. 63\(b\)](#), 72(7)

Modifications etc. (not altering text)

- C1** Pt. 4 modified by 2012 c. 7, s. 73(3)(b) (as substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 189\(4\)\(c\)](#) (with art. 3))
- C2** Pt. 4 modified by 2000 c. 38, s. 86(4A) (as inserted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 154\(6\)](#) (with art. 3))

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- C3** Pt. 4 modified (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 4 para. 57**; S.I. 2014/416, art. 2(1)(c) (with Sch.)
- C4** Pt. 4 modified by 2012 c. 19, s. 60(3A) (as inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 197(5)** (with art. 3))
- C5** Pt. 4 certain functions made exercisable concurrently (1.4.2014) by Financial Services (Banking Reform) Act 2013 (c. 33), **s. 59(1)-(5)**, 148(5); S.I. 2014/823, art.
- C6** Pt. 4 modified by 1991 c. 56, s. 31(4) (as amended (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 84(5)(d)** (with art. 3))
- C7** Pt. 4 modified by 1989 c. 29, s. 43(2B) (as amended (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 65(4)(d)** (with art. 3))
- C8** Pt. 4 modified by 1986 c. 44, s. 36A (as amended (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 50(4)(d)** (with art. 3))
- C9** Pt. 4 modified by 1993 c. 43, s. 67(4)(d) (as amended (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 105(4)(d)** (with art. 3))

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002, Section 132.