
DRAFT STATUTORY INSTRUMENTS

2003 No.

COMPETITION

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

Made - - - - 2003

Coming into force 20th June 2003

THE ENTERPRISE ACT 2002 (PROTECTION
OF LEGITIMATE INTERESTS) ORDER 2003

1. Citation, commencement and interpretation
 2. Determination of a relevant merger situation
 3. European intervention notices under section 67 of the Act
 4. Initial investigation and report by OFT
 5. Power of Secretary of State to refer the matter
 6. Questions to be decided on references under article 5
 7. Cancellation or variation of references under article 5
 8. Investigations and reports on references under article 5
 9. Time-limits and investigations and reports by Commission
 10. Article 9: supplementary
 11. Restrictions on action where public interest considerations not finalised
 12. Decision and enforcement by Secretary of State
 13. Enforcement action in European intervention notice cases
 14. Publicity requirements
 15. Other provisions of the Act applicable to this Order
 16. Consequential amendments
- Signature

SCHEDULE 1 — MODIFICATIONS TO SECTIONS 23 TO 32 OF THE ACT

SCHEDULE 2 — ENFORCEMENT ACTION IN EUROPEAN INTERVENTION
NOTICE CASES

1. ***Pre-emptive undertakings and orders***
2. (1) Sub-paragraph (2) applies where a European intervention notice is...
3. ***Undertakings in lieu of reference under article 5***

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 No. 1592*

4. (1) The Secretary of State shall not make a reference...
5. (1) Sub-paragraph (2) applies where the Secretary of State considers...
6. (1) Sub-paragraph (2) applies where— (a) the Secretary of State...
7. **Statutory restrictions following reference under article 5**
8. (1) Sub-paragraph (2) applies where— (a) a reference has been...
9. **Final undertakings and orders**
10. (1) Sub-paragraph (2) applies where the Secretary of State considers...
11. (1) The Secretary of State may, in accordance with article...

SCHEDULE 3 — OTHER PROVISIONS OF THE ACT APPLICABLE TO THE ORDER

1. (1) The following sections of Part 3 of the Act...
2. (1) The following Schedules of the Act shall apply, with...
3. Section 243(1) of the Act (overseas disclosures) shall not apply...

SCHEDULE 4 — CONSEQUENTIAL AMENDMENTS

1. **Statutory Instruments Act 1946 (c. 36)**
2. **Registered Designs Act 1949 (c. 88)**
3. **Patents Act 1977 (c. 37)**
4. **Telecommunications Act 1984 (c. 12)**
5. **Airports Act 1986 (c. 31)**
6. **Gas Act 1986 (c. 44)**
7. **Copyright, Design and Patents Act 1988 (c. 48)**
8. **Electricity Act 1989 (c. 44)**
9. **Broadcasting Act 1990 (c. 42)**
10. **Water Industry Act 1991 (c. 56)**
11. **Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1))**
12. **Railways Act 1993 (c. 43)**
13. **Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1))**
14. **Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2))**
15. **Competition Act 1998 (c. 41)**
16. **Postal Services Act 2000 (c. 26)**
17. **Transport Act 2000 (c. 38)**

Explanatory Note