

*These notes refer to the Enterprise Act 2002 (c.40)  
which received Royal Assent on 7 November 2002*

# ENTERPRISE ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3: Mergers**

#### **Summary and Background**

#### *Chapter 3: Other special cases*

#### **Special public interest cases**

#### *Sections 63 and 64: Questions to be decided on references under section 62 & Cancellation or variation of references under section 62*

200. **Section 63** provides that the CC will consider whether a special merger situation has been created, or is contemplated; whether – on the basis of the considerations set out in the reference – the merger may be expected to operate against the public interest; and make recommendations as to what action, if any, the Secretary of State or others should take to remedy any adverse effects.
201. **Section 64** provides for the circumstances in which the CC or the Secretary of State may cancel or vary a reference.