



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 4

#### MARKET INVESTIGATIONS

### CHAPTER 3

#### ENFORCEMENT

#### *Undertakings and orders*

#### **157 Interim undertakings: Part 4**

- (1) Subsection (2) applies where—
  - (a) a market investigation reference has been made;
  - (b) a report has been published under section 136 within the period permitted by section 137 or (as the case may be) a report prepared under section 142 and given to the Secretary of State under section 143(3) within the period permitted by section 144 has been published; and
  - (c) the market investigation reference concerned is not finally determined.
- (2) The relevant authority may, for the purpose of preventing pre-emptive action, accept, from such persons as the relevant authority considers appropriate, undertakings to take such action as the relevant authority considers appropriate.
- (3) An undertaking under this section—
  - (a) shall come into force when accepted;
  - (b) may be varied or superseded by another undertaking; and
  - (c) may be released by the relevant authority.
- (4) An undertaking under this section shall, if it has not previously ceased to be in force, cease to be in force when the market investigation reference is finally determined.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The relevant authority shall, as soon as reasonably practicable, consider any representations received by the relevant authority in relation to varying or releasing an undertaking under this section.
- (6) In this section and section 158—
- “pre-emptive action” means action which might impede the taking of any action under section 138(2) or (as the case may be) 147(2) in relation to the market investigation reference concerned; and
  - “the relevant authority” means—
    - (a) where an intervention notice is in force in relation to the market investigation reference, the Secretary of State;
    - (b) in any other case, the Commission.