



Enterprise Act 2002

2002 CHAPTER 40

PART 4

[^{F1}MARKET STUDIES AND] MARKET INVESTIGATIONS

CHAPTER 4

SUPPLEMENTARY

Consultation, information and publicity

169 Certain duties of relevant authorities to consult: Part 4

- (1) Subsection (2) applies where the relevant authority is proposing to make a relevant decision in a way which the relevant authority considers is likely to have a substantial impact on the interests of any person.
- (2) The relevant authority shall, so far as practicable, consult that person about what is proposed before making that decision.
- (3) In consulting the person concerned, the relevant authority shall, so far as practicable, give the reasons of the relevant authority for the proposed decision.
- (4) In considering what is practicable for the purposes of this section the relevant authority shall, in particular, have regard to—
 - (a) any restrictions imposed by any timetable for making the decision; and
 - (b) any need to keep what is proposed, or the reasons for it, confidential.
- (5) The duty under this section shall not apply in relation to the making of any decision so far as particular provision is made elsewhere by virtue of this Part for consultation before the making of that decision.
- (6) In this section—

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 169. (See end of Document for details)

“the relevant authority” means the [^{F1}CMA, the appropriate Minister][^{F2}or the Secretary of State]; and

“relevant decision” means—

- (a) in the case of the [^{F3}CMA], any decision by the [^{F3}CMA]—
 - (i) [^{F4}to make a reference under section 131 in a case where the CMA has not published a market study notice under section 130A in relation to the matter concerned;
 - (ia) as to whether to accept undertakings under section 154 instead of making any reference under section 131;]
 - (ii) to vary under section 135 such a reference[^{F5}; or—
 - (iii) on the questions mentioned in section 134, 141 or 141A; and]
- (b) in the case of the appropriate Minister [^{F6}(other than the Secretary of State acting alone)], any decision by the appropriate Minister—
 - (i) ^{F7}... to make a reference under section 132; or
 - (ii) to vary under section 135 such a reference; ^{F8}...

[^{F9}in the case of the Secretary of State, any decision by the Secretary of State—

 - (i) to make a reference under section 132;
 - (ii) to vary under section 135 such a reference;
 - (iii) in a case where the Secretary of State is required to make a reference under section 140A, whether to make a reference under subsection (5) or (6) of that section; or
 - (iv) to vary under section 140B a reference made under section 140A(6).]
- (c) ^{F8} ...

Textual Amendments

- F1** Words in s. 169(6) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 199\(a\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in s. 169(6) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 10 para. 29\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Words in s. 169(6) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 199\(b\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Words in s. 169(6) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 12 para. 13\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Words in s. 169(6) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 199\(c\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Words in s. 169(6) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 10 para. 29\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F7** Words in s. 169(6) omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 12 para. 13\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F8** Words in s. 169(6) omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 199\(d\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F9** Words in s. 169(6) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 10 para. 29\(c\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002, Section 169.