



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 4

#### 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—

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*Status: This is the original version (as it was originally enacted).*

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“the relevant authority” means the OFT, the appropriate Minister or the Commission; and

“relevant decision” means—

- (a) in the case of the OFT, any decision by the OFT—
  - (i) as to whether to make a reference under section 131 or accept undertakings under section 154 instead of making such a reference; or
  - (ii) to vary under section 135 such a reference;
- (b) in the case of the appropriate Minister, any decision by the appropriate Minister—
  - (i) as to whether to make a reference under section 132; or
  - (ii) to vary under section 135 such a reference; and
- (c) in the case of the Commission, any decision on the questions mentioned in section 134 or 141.