



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 6

#### CARTEL OFFENCE

##### *Cartel offence*

#### **190 Cartel offence: penalty and prosecution**

- (1) A person guilty of an offence under section 188 is liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both.
- (2) In England and Wales and Northern Ireland, proceedings for an offence under section 188 may be instituted only—
  - (a) by the Director of the Serious Fraud Office, or
  - (b) by or with the consent of the [<sup>F1</sup>CMA].
- (3) No proceedings may be brought for an offence under section 188 in respect of an agreement outside the United Kingdom, unless it has been implemented in whole or in part in the United Kingdom.
- (4) Where, for the purpose of the investigation or prosecution of offences under section 188, the [<sup>F2</sup>CMA] gives a person written notice under this subsection, no proceedings for an offence under section 188 that falls within a description specified in the notice may be brought against that person in England and Wales or Northern Ireland except in circumstances specified in the notice.

#### **Textual Amendments**

- F1** Word in s. 190(2)(b) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 210](#) (with s. 28); [S.I. 2014/416](#), art. 2(1)(d) (with Sch.)

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*Changes to legislation: There are currently no known outstanding effects  
for the Enterprise Act 2002, Section 190. (See end of Document for details)*

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**F2** Word in s. 190(4) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 210** (with s. 28); 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 190.