



Enterprise Act 2002

2002 CHAPTER 40

PART 3

MERGERS

CHAPTER 4

ENFORCEMENT

Interim restrictions and powers

81 Interim orders

- (1) [^{F1}Subsections (2) and (2A)] apply where a reference has been made under section 22 [^{F2}, 33, 68B or 68C] but is not finally determined.
- (2) The [^{F3}CMA] may by order, for the purpose of preventing pre-emptive action—
 - (a) prohibit or restrict the doing of things which the [^{F3}CMA] considers would constitute pre-emptive action;
 - (b) impose on any person concerned obligations as to the carrying on of any activities or the safeguarding of any assets;
 - (c) provide for the carrying on of any activities or the safeguarding of any assets either by the appointment of a person to conduct or supervise the conduct of any activities (on such terms and with such powers as may be specified or described in the order) or in any other manner;
 - (d) do anything which may be done by virtue of paragraph 19 of Schedule 8.

[^{F4}(2A) Where the CMA has reasonable grounds for suspecting that pre-emptive action has or may have been taken, it may by order, for the purpose of restoring the position to what it would have been had the action not been taken or otherwise for the purpose of mitigating its effects—

- (a) do anything mentioned in subsection (2)(b) to (d);

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 81. (See end of Document for details)

(b) impose such other obligations, prohibitions or restrictions as it considers appropriate for that purpose.]

[^{F5}(2B) A person may, with the consent of the CMA, take action or action of a particular description where the action would otherwise constitute a contravention of an order under this section.]

^{F6}(3)

^{F6}(4)

(5) [^{F7}An order] under this section—

- (a) shall come into force at such time as is determined by or under the order; and
- (b) may be varied or revoked by another order.

^{F8}(6)

(7) An order which is in force under this section in relation to a reference under section 22 [^{F9}, 33, 68B or 68C] shall cease to be in force if an undertaking under section 80 comes into force in relation to that reference.

(8) An order under this section shall, if it has not previously ceased to be in force, cease to be in force when the reference under section 22 [^{F10}, 33, 68B or 68C] is finally determined.

(9) The [^{F11}CMA] shall, as soon as reasonably practicable, consider any representations received by it in relation to varying or revoking an order under this section.

Textual Amendments

- F1** Words in s. 81(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 7 para. 3(2)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in s. 81(1) substituted (26.10.2023) by Energy Act 2023 (c. 52), s. 334(2)(j), **Sch. 16 para. 19**
- F3** Word in s. 81(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 121(2)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** S. 81(2A) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 7 para. 3(3)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** S. 81(2B) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 7 para. 3(4)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** S. 81(3)(4) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 7 para. 3(5)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F7** Words in s. 81(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 7 para. 3(6)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F8** S. 81(6) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 7 para. 3(7)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F9** Words in s. 81(7) substituted (26.10.2023) by Energy Act 2023 (c. 52), s. 334(2)(j), **Sch. 16 para. 19**
- F10** Words in s. 81(8) substituted (26.10.2023) by Energy Act 2023 (c. 52), s. 334(2)(j), **Sch. 16 para. 19**
- F11** Word in s. 81(9) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 121(3)** (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 81.