



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 3

#### MERGERS

### CHAPTER 4

#### ENFORCEMENT

##### *Public interest and special public interest cases*

#### **85 Enforcement regime for public interest and special public interest cases**

- (1) Schedule 7 (which provides for the enforcement regime in public interest and special public interest cases) shall have effect.
- (2) The [<sup>F1</sup>CMA] may advise the Secretary of State [<sup>F2</sup>or the Chancellor of the Duchy of Lancaster] in relation to the taking by [<sup>F3</sup>either of them] of enforcement action under Schedule 7.

#### **Textual Amendments**

- F1** Word in s. 85(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 125](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in s. 85(2) inserted (3.5.2023) by [The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions \(National Security and Investment Act 2021 etc\) Order 2023 \(S.I. 2023/424\)](#), art. 1(2), [Sch. para. 10\(3\)\(a\)](#) (with art. 17)
- F3** Words in s. 85(2) substituted (3.5.2023) by [The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions \(National Security and Investment Act 2021 etc\) Order 2023 \(S.I. 2023/424\)](#), art. 1(2), [Sch. para. 10\(3\)\(b\)](#) (with art. 17)

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 85. (See end of Document for details)*

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**Modifications etc. (not altering text)**

- C1** Ss. 85-95: functions made exercisable concurrently (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), arts. 1(2), **15(2)** (with arts. 16(5)(6), 17)

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise Act 2002, Section 85.