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STATUTORY INSTRUMENTS

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**2003 No. 1397**

**The Enterprise Act 2002 (Commencement No. 3, Transitional and Transitory Provisions and Savings) Order 2003**

**Transitional provisions relating to merger references**

4.—(1) Subject to paragraphs 15 to 18 of Schedule 24, the old law shall in particular continue to apply in relation to the enforcement, variation or release of any undertakings accepted before the appointed day under section 75G or 88 of the 1973 Act in relation to any relevant arrangements which are not otherwise dealt with by paragraph 13 of Schedule 24.

(2) The power of the decision-making authority under section 27(5) or 29(1) (including those provisions as applied by any enactment) in relation to events or transactions is exercisable in relation to a merger which has occurred before the appointed day where the merger forms part of successive events or a series of transactions which include at least one event or transaction to which the new law applies.

(3) Where the decision-making authority exercises its power as mentioned in paragraph (2) in relation to a merger which has occurred before the appointed day, paragraph 13(1) of Schedule 24 shall accordingly cease to apply in relation to the merger.

(4) In this article—

“appointed day”, “relevant arrangements”, “new law” and “old law” have the same meaning as in paragraph 13 of Schedule 24;

“enactment” has the meaning given by section 129(1); and

“merger” means a ceasing of two or more enterprises to be distinct enterprises (within the meaning of Part 5 of the 1973 Act).