

SCHEDULE 1

Article 2

MODIFICATIONS TO SECTIONS 23 TO 32 OF THE ACT

Sections 23 to 32 of the Act shall apply as if—

- (a) references in those sections to “the decision-making authority” were references to the [F1CMA] or (as the case may be) the Secretary of State;
- (b) in section 23(1) and (2) the words “For the purposes of this Part,” were omitted;
- (c) in section 23(9) the words “For the purposes of this Chapter,” were omitted;
- (d) for section 23(9)(a) there were substituted—
 - “(a) in relation to the giving of a European intervention notice, the time when the notice is given;
 - (aa) in relation to the making of a report by the [F2CMA] under article 4 of the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003, the time of the making of the report;
 - (ab) in the case of a reference which is treated as having been made under article 5(2) of the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 by virtue of article 7(4) of that Order, such time as the [F3CMA] may determine; and”;
- (e) the references to the [F4CMA] in section 24(2)(a) and (b) included references to the Secretary of State;
- (f) the references to the [F5CMA] in [F6section 25(1) to (3), (6) and (8)] included references to the Secretary of State;
- (g) the references to the [F7CMA] in section 25(4) and (5) were references to the Secretary of State;
- (h) the reference in section 25(4) to section 73 were a reference to paragraph 3 of Schedule 2 to this Order;
- (i) after section 25(5) of the Act there were inserted—
 - “(5A) The Secretary of State may by notice to the persons carrying on the enterprises which have or [F8may have ceased] to be distinct enterprises extend the four month period mentioned in section 24(1)(a) or (2)(b) if, by virtue of article 5(7) of the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 or paragraph 3(5) of Schedule 2 to that Order, he decides to delay a decision as to whether to make a reference under article 5 of that Order.
 - (5B) An extension under subsection (5A) shall be for the period of the delay.”;
- (j) in section 25(10)(b) after word “(4)” there were inserted “, (5A) ”;
- (k) the reference in section 25(12) to one extension were a reference to one extension by the [F9CMA] and one extension by the Secretary of State;
- (l) the powers to extend time-limits under section 25 F10... were not exercisable by the [F11CMA] or the Secretary of State before the giving of a European intervention notice;
- (m) in section 26(1) the words “For the purposes of this Part” were omitted;
- (n) in section 28(2) the words from “For the purposes” to “121(4)(c)(ii)” were omitted;
- F12(o)

Changes to legislation: There are currently no known outstanding effects for the The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003, SCHEDULE 1. (See end of Document for details)

- (p) in the case of the giving of European intervention notices, the references in sections 23 to 29 to the making of a reference or a reference were, so far as necessary, references to the giving of a European intervention notice or a European intervention notice; and

F13(q)

Textual Amendments

F1	Word in Sch. 1 para. (a) substituted (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891) , arts. 1, 16(2) (with arts. 20-23)
F2	Word in Sch. 1 para. (d) substituted (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891) , arts. 1, 16(3)(a) (with arts. 20-23)
F3	Word in Sch. 1 para. (d) substituted (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891) , arts. 1, 16(3)(b) (with arts. 20-23)
F4	Word in Sch. 1 para. (e) substituted (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891) , arts. 1, 16(4) (with arts. 20-23)
F5	Word in Sch. 1 para. (f) substituted (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891) , arts. 1, 16(5)(a) (with arts. 20-23)
F6	Words in Sch. 1 para. (f) substituted (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891) , arts. 1, 16(5)(b) (with arts. 20-23)
F7	Word in Sch. 1 para. (g) substituted (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891) , arts. 1, 16(6) (with arts. 20-23)
F8	Words in Sch. 1 para. (i) substituted (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891) , arts. 1, 16(7) (with arts. 20-23)
F9	Word in Sch. 1 para. (k) substituted (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891) , arts. 1, 16(8) (with arts. 20-23)
F10	Words in Sch. 1 para. (l) omitted (1.4.2014) by virtue of The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891) , arts. 1, 16(9)(a) (with arts. 20-23)
F11	Word in Sch. 1 para. (l) substituted (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891) , arts. 1, 16(9)(b) (with arts. 20-23)
F12	Sch. 1 para. (o) omitted (1.4.2014) by virtue of The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891) , arts. 1, 16(10) (with arts. 20-23)
F13	Sch. 1 para. (q) omitted (1.4.2014) by virtue of The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891) , arts. 1, 16(10) (with arts. 20-23)

Textual Amendments

F1	Word in Sch. 1 para. (a) substituted (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891) , arts. 1, 16(2) (with arts. 20-23)
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- F8** Words in Sch. 1 para. (i) substituted (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891), arts. 1, **16(7)** (with arts. 20-23)
- F9** Word in Sch. 1 para. (k) substituted (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891), arts. 1, **16(8)** (with arts. 20-23)
- F10** Words in Sch. 1 para. (l) omitted (1.4.2014) by virtue of The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891), arts. 1, **16(9)(a)** (with arts. 20-23)
- F11** Word in Sch. 1 para. (l) substituted (1.4.2014) by The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891), arts. 1, **16(9)(b)** (with arts. 20-23)
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- F13** Sch. 1 para. (q) omitted (1.4.2014) by virtue of The Enterprise Act 2002 (Protection of Legitimate Interests) (Amendment) Order 2014 (S.I. 2014/891), arts. 1, **16(10)** (with arts. 20-23)

Changes to legislation:

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