



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 4

#### [<sup>F1</sup>MARKET STUDIES AND] MARKET INVESTIGATIONS

### CHAPTER 3

#### ENFORCEMENT

#### *Supplementary*

#### **167 Rights to enforce undertakings and orders under this Part**

- (1) This section applies to any enforcement undertaking or enforcement order.
- (2) Any person to whom such an undertaking or order relates shall have a duty to comply with it.
- (3) The duty shall be owed to any person who may be affected by a contravention of the undertaking or (as the case may be) order.
- (4) Any breach of the duty which causes such a person to sustain loss or damage shall be actionable by him.
- (5) In any proceedings brought under subsection (4) against a person to whom an enforcement undertaking or enforcement order relates it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid contravening the undertaking or (as the case may be) order.
- (6) Compliance with an enforcement undertaking or an enforcement order shall also be enforceable by civil proceedings brought by the [<sup>F1</sup>CMA] for an injunction or for interdict or for any other appropriate relief or remedy.
- (7) Compliance with an undertaking accepted [<sup>F2</sup>by the Secretary of State] under section 157 or 159, or an order [<sup>F3</sup>made by the Secretary of State] under section 158,

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 167. (See end of Document for details)*

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160 or 161, shall also be enforceable by civil proceedings brought by the [<sup>F4</sup>Secretary of State] for an injunction or for interdict or for any other appropriate relief or remedy.

<sup>F5</sup>(8) .....

(9) Subsections [<sup>F6</sup>(6) and (7)] shall not prejudice any right that a person may have by virtue of subsection (4) to bring civil proceedings for contravention or apprehended contravention of an enforcement undertaking or an enforcement order.

#### Textual Amendments

- F1** Word in s. 167(6) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 197\(2\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in s. 167(7) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 197\(3\)\(a\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Words in s. 167(7) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 197\(3\)\(b\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Words in s. 167(7) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 197\(3\)\(c\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** S. 167(8) omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 197\(4\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Words in s. 167(9) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 197\(5\)](#) (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 167.