



Enterprise Act 2002

2002 CHAPTER 40

PART 3

MERGERS

CHAPTER 2

PUBLIC INTEREST CASES

Reports on references

53 Restrictions on action where public interest considerations not finalised

- (1) The [^{F1}CMA] shall cancel a reference under section 45 if—
- the intervention notice concerned mentions a public interest consideration which was not finalised on the giving of that notice or public interest considerations which, at that time, were not finalised;
 - no other public interest consideration is mentioned in the notice;
 - at least 24 weeks has elapsed since the giving of the notice; and
 - the public interest consideration mentioned in the notice has not been finalised within that period of 24 weeks or (as the case may be) none of the public interest considerations mentioned in the notice has been finalised within that period of 24 weeks.
- (2) Where a reference ^{F2}... under section 45 specifies a public interest consideration which has not been finalised before the making of the reference, the [^{F3}CMA] shall not give its report to the Secretary of State under section 50 in relation to that reference unless—
- the period of 24 weeks beginning with the giving of the intervention notice concerned has expired; [^{F4}or]
 - the public interest consideration concerned has been finalised; [^{F5}or]
 - [^{F6}the report must be given to the Secretary of State to ensure compliance with article 9(6) of the European Merger Regulations.]

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 53. (See end of Document for details)

- (3) The [F7CMA] shall, in reporting on any of the questions mentioned in section 47(2) (b), (3), (5)(b), (6) and (7), disregard any public interest consideration which has not been finalised before the giving of the report.
- (4) The [F7CMA] shall, in reporting on any of the questions mentioned in section 47(2) (b), (3), (5)(b), (6) and (7), disregard any public interest consideration which was not finalised on the giving of the intervention notice concerned and has not been finalised within the period of 24 weeks beginning with the giving of the notice concerned.
- (5) Subsections (1) to (4) are without prejudice to the power of the [F7CMA] to carry out investigations in relation to any public interest consideration to which it might be able to have regard in its report.

Textual Amendments

- F1** Word in s. 53(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 95\(2\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in s. 53(2) omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 95\(3\)\(a\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Word in s. 53(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 95\(3\)\(b\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Word in s. 53(2) inserted (1.5.2004) by [The EC Merger Control \(Consequential Amendments\) Regulations 2004 \(S.I. 2004/1079\)](#), reg. 2, [Sch. para. 2\(18\)\(a\)](#)
- F5** Word in s. 53(2) ceased to have effect (1.5.2004) by virtue of [The EC Merger Control \(Consequential Amendments\) Regulations 2004 \(S.I. 2004/1079\)](#), reg. 2, [Sch. para. 2\(18\)\(b\)](#)
- F6** S. 53(2)(c) ceased to have effect (1.5.2004) by virtue of [The EC Merger Control \(Consequential Amendments\) Regulations 2004 \(S.I. 2004/1079\)](#), reg. 2, [Sch. para. 2\(18\)\(c\)](#)
- F7** Word in s. 53(3)-(5) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 26(3), [Sch. 5 para. 95\(4\)](#) (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 53.