Order made by the Secretary of State, laid before Parliament under section 124(7) of the Enterprise Act 2002 (c. 40), for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the Order was made, subject to extension for periods of dissolution, prorogation or adjournment of both Houses for more than four days.

STATUTORY INSTRUMENTS

2026 No. 1075

COMPETITION

The Enterprise Act 2002 (Specification of Additional Section 58 Consideration) Order 2026

Made - - - -	*at 4.07 p.m. on 12th October 2026*
Laid before Parliament	*at 5.15 p.m. on 12th October 2026*
Coming into force - -	*13th October 2026*

The Secretary of State makes this Order in exercise of the powers conferred by sections 58(3) and (4) and 124(2) and (4) of the Enterprise Act 2002(**a**).

Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as the Enterprise Act 2002 (Specification of Additional Section 58 Consideration) Order 2026 and comes into force on 13th October 2026.

(2) In this Order, "the Act" means the Enterprise Act 2002.

(3) This Order extends to England and Wales, Scotland and Northern Ireland.

Amendment to section 58 of the Enterprise Act 2002

2.—(1) Section 58 of the Act (specified considerations)(**b**) is amended as follows.

(2) After subsection (2E) insert—

"(2EA) The need to maintain in the United Kingdom the continuity of the supply of telecommunications services for the purposes of preventing disruption to the economy and society of the United Kingdom, including, in particular, disruption to—

(a) public services;

(b) critical national infrastructure;

(c) supply to customers who are or may be vulnerable,

is specified in this section.".

(**a**) 2002 c. 40. Section 58(4) was amended by the Enterprise and Regulatory Reform Act 2013 (c. 24).
(**b**) Subsection (2E) was inserted by S.I. 2020/627.

Amendment of Schedule 8 to the Enterprise Act 2002

3. In Schedule 8 to the Act(**a**) (provision that may be contained in certain enforcement orders), after paragraph 20BA insert—

"Maintaining the continuity of the supply of telecommunications services

20BB.—(1) This paragraph applies for the purposes of a relevant order under paragraph 5, 10 or 11 of Schedule 7 (enforcement orders in cases relating to maintaining the continuity of the supply of telecommunications services etc) but not for any other purposes of this Part or Part 4 or any other enactment.

(2) The order may make such provision as the person making the order considers to be appropriate in order to maintain in the United Kingdom the continuity of the supply of telecommunications services for the purposes specified in section 58(2EA).

(3) Such provision may, in particular, include provision requiring a person to do, or not to do, particular things.

(4) This paragraph is without prejudice to the operation of the other paragraphs of this Schedule in relation to the order.

(5) In this paragraph "relevant order" means an order—

(a) which is to be made following the giving of an intervention notice or special intervention notice which mentions the consideration specified in section 58(2EA); and

(b) to which the consideration is still relevant.".

Lisa Nandy
Secretary of State
Department for Digital, Culture, Media and Sport

At 4.07 p.m. on 12th October 2026

(**a**) Paragraph 20BA was inserted by S.I. 2020/627.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 58 of the Enterprise Act 2002 ("the Act") specifies the public interest considerations in relation to which the Secretary of State may intervene in relevant merger situations (as defined in section 23 of the Act) and special merger situations (as defined in section 59 of the Act).

Article 2 of this Order inserts a new subsection (2EA) into section 58 of the Act specifying as a public interest consideration the need to maintain in the United Kingdom the continuity of the supply of telecommunications services for the purposes of preventing disruption to the economy and society of the United Kingdom, including, in particular, disruption to—

(a) public services;

(b) critical national infrastructure;

(c) supply to customers who are or may be vulnerable.

Article 3 of this Order inserts a new paragraph 20BB into Schedule 8 to the Act. This gives the Secretary of State the power to include in merger enforcement orders such provision as the Secretary of State considers appropriate in the interest of maintaining in the United Kingdom the continuity of the supply of telecommunications services for the purposes set out above.

A de minimis impact assessment of the effect this instrument will have on the costs of businesses, voluntary bodies and community bodies has been conducted.

© Crown Copyright 2026

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

ISBN 978-0-34-828767-7

£6.40

http://www.legislation.gov.uk/id/uksi/2026/1075