

**DEROGATION LETTER  
IN RESPECT OF INITIAL ENFORCEMENT ORDERS ISSUED PURSUANT TO  
SECTION 72(2) ENTERPRISE ACT 2002**

**Consent under section 72(3C) of the Enterprise Act 2002 (the ‘Act’) to certain actions for the purposes of the Initial Enforcement Order made by the Competition and Markets Authority (‘CMA’) on 3 November 2021.**

**Completed acquisition by Boparan Private Office, via Amber REI Holdings Limited, of Banham Poultry (2018) Limited (the ‘Acquisition’).**

We refer to your submission of 2 March 2022 requesting that the CMA consents to a derogation from the Initial Enforcement Order of 3 November 2021 (the ‘**Initial Order**’). Unless otherwise stated, the terms defined in the Initial Order have the same meaning in this letter.

Under the Initial Order, save for written consent by the CMA, Boparan and Banham are required to hold separate the Banham business from any of the businesses of Boparan and refrain from taking any action which might prejudice a reference under section 22 of the Act or impede the taking of any remedial action following such a reference.

After due consideration of your request for a derogation from the Initial Order, based on the information received from you and in the particular circumstances of this case, the CMA consents to Boparan carrying out the following action, in respect of the specific paragraphs:

**1. Paragraphs 5(i) and 5(c) – recruitment of a new [X]**

The CMA understands [X]. The CMA understands that [X].

The CMA further understands that Boparan will need to recruit for [X] replacement as [X] and an external search has been commenced by [X], recruitment and search consultants. [X] will continue to provide [X] until a suitable successor is identified.

The CMA consents to a derogation from paragraphs 5(i) and 5(c) of the Initial Order to permit Boparan to recruit a new [X].

The CMA consents to the above strictly on the understanding that:

- (a) Boparan will recruit a new [✂] as soon as practicable.
- (b) The new [✂] will have the necessary experience and expertise to assume the role.
- (c) Boparan will ensure a smooth handover of responsibilities to [✂] replacement as [✂].
- (d) The grant of this derogation will not affect the viability of the Boparan business.
- (e) The grant of this derogation will not result in any integration between the Banham business and the Boparan businesses.
- (f) The grant of this derogation will not prevent any remedial action which the CMA may need to take regarding the Acquisition.

Yours sincerely,

Alex Hazell

Assistant Director, Mergers

7 March 2022