

**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 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 email and accompanying note dated 28 January 2022 requesting that the CMA consents to a derogation to the Initial Enforcement Order of 3 November 2021 (the '**Initial Order**'). 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, Boparan may carry out the following action, in respect of the specific paragraphs:

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

Boparan submits that [X], left [X] on 31 January 2022. Boparan further submits that [X]. Boparan therefore submits that it is necessary to directly replace [X].

The CMA understands that a recruitment agency [X] has been instructed and is in the initial stages of identifying potentially suitable candidates, and that [X] will provide senior leadership support for the [X] management team in the interim.

The CMA consents to a derogation from paragraphs 5(c) and 5(i) of the Initial Order to permit the recruitment of a new [X] strictly on the basis that:

- (a) A new [X] will be recruited as soon as practicable.

- (b) The new [REDACTED] will have the necessary experience and expertise to assume their role.
- (c) [REDACTED] will provide senior leadership support for the management team of the [REDACTED] while the recruitment process is underway.
- (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

2 February 2022