



Enterprise Act 2002

2002 CHAPTER 40

PART 4

MARKET INVESTIGATIONS

CHAPTER 2

PUBLIC INTEREST CASES

Intervention notices under section 139(1)

140 Intervention notices under section 139(1)

- (1) An intervention notice under section 139(1) shall state—
 - (a) the market investigation reference concerned;
 - (b) the date of the market investigation reference concerned;
 - (c) the public interest consideration or considerations which are, or may be, relevant to the case; and
 - (d) where any public interest consideration concerned is not finalised, the proposed timetable for finalising it.
- (2) Where the Secretary of State believes that it is or may be the case that two or more public interest considerations are relevant to the case, he may decide not to mention in the intervention notice such of those considerations as he considers appropriate.
- (3) The Secretary of State may at any time revoke an intervention notice which has been given under section 139(1) and which is in force.
- (4) An intervention notice under section 139(1) shall come into force when it is given and shall cease to be in force when the matter to which it relates is finally determined under this Chapter.

Status: This is the original version (as it was originally enacted).

- (5) For the purposes of subsection (4) a matter to which an intervention notice under section 139(1) relates is finally determined under this Chapter if—
- (a) the period permitted by section 144 for the preparation of the report of the Commission under section 142 and for action to be taken in relation to it under section 143(1) or (3) has expired and no such report has been so prepared or no such action has been taken;
 - (b) the Commission decides under section 145(1) to terminate its investigation;
 - (c) the report of the Commission has been prepared under section 142 and published under section 143(1) within the period permitted by section 144;
 - (d) the Secretary of State fails to make and publish a decision under subsection (2) of section 146 within the period required by subsection (3) of that section;
 - (e) the Secretary of State decides under section 146(2) that no eligible public interest consideration is relevant;
 - (f) the Secretary of State decides under section 147(2) neither to accept an undertaking under section 159 nor to make an order under section 161;
 - (g) the Secretary of State accepts an undertaking under section 159 or makes an order under section 161; or
 - (h) the Secretary of State decides to revoke the intervention notice concerned.
- (6) For the purposes of subsections (4) and (5) the time when a matter to which an intervention notice under section 139(1) relates is finally determined under this Chapter is—
- (a) in a case falling within subsection (5)(a) or (d), the expiry of the period concerned;
 - (b) in a case falling within subsection (5)(b), (e), (f) or (h), the making of the decision concerned;
 - (c) in a case falling within subsection (5)(c), the publication of the report concerned; and
 - (d) in a case falling within subsection (5)(g), the acceptance of the undertaking concerned or (as the case may be) the making of the order concerned.
- (7) In subsection (6)(d) the reference to the acceptance of the undertaking concerned or the making of the order concerned shall, in a case where the enforcement action under section 147(2) involves the acceptance of a group of undertakings, the making of a group of orders or the acceptance and making of a group of undertakings and orders, be treated as a reference to the acceptance or making of the last undertaking or order in the group; but undertakings or orders which vary, supersede or revoke earlier undertakings or orders shall be disregarded for the purposes of subsections (5)(g) and (6)(d).