



Enterprise Act 2002

2002 CHAPTER 40

PART 4

MARKET INVESTIGATIONS

CHAPTER 2

PUBLIC INTEREST CASES

Intervention notices under section 139(1)

146 Decision of Secretary of State

- (1) Subsection (2) applies where the Secretary of State has received a report of the Commission which—
- (a) has been prepared under section 142;
 - (b) contains the decisions that there is one or more than one adverse effect on competition and, on the question mentioned in section 141(4)(a) and in relation to at least one such adverse effect, that action should be taken by it; and
 - (c) has been given to the Secretary of State as required by section 143(3).
- (2) The Secretary of State shall decide whether—
- (a) any eligible public interest consideration is relevant; or
 - (b) any eligible public interest considerations are relevant;
- to any action which is mentioned in the report by virtue of section 141(4)(a) and (c) and which the Commission should take for the purpose of remedying, mitigating or preventing any adverse effect on competition concerned or any detrimental effect on customers so far as it has resulted or may be expected to result from any adverse effect on competition.

Status: This is the original version (as it was originally enacted).

- (3) The Secretary of State shall make and publish his decision under subsection (2) within the period of 90 days beginning with the receipt of the report of the Commission under section 142.
- (4) In this section “eligible public interest consideration” means a public interest consideration which—
- (a) was mentioned in the intervention notice concerned; and
 - (b) was not disregarded by the Commission for the purposes of its report under section 142.