

SCHEDULES

SCHEDULE 10

MARKETS: PUBLIC INTEREST INTERVENTIONS

14 After section 146 insert—

“146A Full PI references: decision of Secretary of State

- (1) Subsection (2) applies where the Secretary of State has received a report of the CMA in relation to a full PI reference which—
 - (a) has been prepared under section 142;
 - (b) contains the decisions of the CMA that there is one or more than one adverse effect on competition and that one or more than one of the features or combinations of features that gave rise to an adverse effect on competition operates or may be expected to operate against the public interest and that, in relation to at least one effect adverse to the public interest concerned, action should be taken by the Secretary of State; and
 - (c) has been given to the Secretary of State as required by section 143A(3).
- (2) The Secretary of State shall decide whether to make an adverse public interest finding in relation to the matter and whether to make no finding at all in the matter.
- (3) For the purposes of this Part, the Secretary of State makes an adverse public interest finding in relation to a matter if, in relation to that matter, the Secretary of State decides—
 - (a) that there is an adverse effect on competition;
 - (b) that there is one or more than one admissible public interest consideration which is relevant to the matter; and
 - (c) taking account only of any adverse effect on competition and any relevant admissible public interest consideration or considerations, that any feature or combination of features which gave rise to an adverse effect on competition operates or may be expected to operate against the public interest.
- (4) The Secretary of State may make no finding at all in a matter only if the Secretary of State decides that there is no admissible public interest consideration which is relevant to a consideration of the matter concerned.
- (5) In deciding whether to make an adverse public interest finding under subsection (2), the Secretary of State shall accept the decision of the CMA as to whether there is an adverse effect on competition in relation to the matter.

Status: This is the original version (as it was originally enacted).

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