



Enterprise Act 2002

2002 CHAPTER 40

PART 4

[^{F1}MARKET STUDIES AND] MARKET INVESTIGATIONS

CHAPTER 2

PUBLIC INTEREST CASES

Intervention notices under section 139(1)

146 [^{F1}Restricted PI references:] decision of Secretary of State

- (1) Subsection (2) applies where the Secretary of State has received a [^{F2}report of the CMA in relation to a restricted PI reference] 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 [^{F3}CMA] 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Status: Point in time view as at 01/04/2014.

Changes to legislation: Enterprise Act 2002, Section 146 is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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 [F³CMA] 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 [F³CMA] for the purposes of its report under section 142.

Textual Amendments

- F1** Words in s. 146 heading inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 10 para. 13\(3\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in s. 146(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 10 para. 13\(2\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Word in s. 146(2)-(4) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 179](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Status:

Point in time view as at 01/04/2014.

Changes to legislation:

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