

*These notes refer to the Enterprise Act 2002 (c.40)
which received Royal Assent on 7 November 2002*

ENTERPRISE ACT 2002

EXPLANATORY NOTES

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Part 4: Market Investigations

Introduction

Chapter 2: Public interest cases

Intervention notices under [section 139\(2\)](#)

Section 149: Intervention notices under [section 139\(2\)](#)

345. This section sets out the content requirements of an intervention notice given to the OFT under section 139(2) in relation to undertakings in lieu, and provides for when any such intervention notice will be deemed to be in force.
346. *Subsection (1)* provides that such intervention notices must include certain details, including which case it relates to, and which public interest considerations may be relevant. *Subsection (2)* provides the Secretary of State with the discretion to mention such public interest consideration(s) in the intervention notice as she considers appropriate where there may be more than one relevant public interest consideration.
347. *Subsection (4)* ensures that an intervention notice will come into force as soon as it is given. *Subsections (4) and (5)* provide that an intervention notice will cease to be in force once the role of the Secretary of State in relation to that case is complete (either because she has acted, including by revoking the intervention notice, or is prevented from acting in a number of circumstances set out in subsection (5)).