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## STATUTORY INSTRUMENTS

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### 2003 No. 1592

#### The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003

##### European intervention notices under section 67 of the Act

**3.—**(1) A European intervention notice 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 in accordance with paragraphs (2) and (3).

(2) A matter to which a European intervention notice relates is finally determined if—

- (a) the time within which the [<sup>F1</sup>CMA][<sup>F2</sup>or (if relevant) OFCOM] is to report to the Secretary of State under article 4 [<sup>F3</sup>or (as the case may be) 4A] has expired and no such report has been made;
- (b) the Secretary of State decides to accept an undertaking or group of undertakings under paragraph 3 of Schedule 2 instead of making a reference under article 5;
- (c) the Secretary of State otherwise decides not to make a reference under article 5;
- (d) the [<sup>F4</sup>CMA] cancels such a reference under article 7(1) or article 11(1);
- (e) the time within which the [<sup>F5</sup>CMA] is to prepare a report under article 8 and give it to the Secretary of State has expired and no such report has been prepared and given to the Secretary of State;
- (f) the time within which the Secretary of State is to make and publish a decision under article 12(2) has expired and no such decision has been made and published;
- (g) the Secretary of State decides under paragraph (2) of article 12 otherwise than as mentioned in paragraph (6) of that article;
- (h) the Secretary of State decides under paragraph (2) of article 12 as mentioned in paragraph (6) of that article but decides neither to accept an undertaking under paragraph 9 of Schedule 2 nor to make an order under paragraph 11 of that Schedule; or
- (i) the Secretary of State decides under paragraph (2) of article 12 as mentioned in paragraph (6) of that article and accepts an undertaking under paragraph 9 of Schedule 2 or makes an order under paragraph 11 of that Schedule.

(3) The time when a matter to which a European intervention notice relates is finally determined is—

- (a) in a case falling within paragraph (2)(a), (e) or (f), the expiry of the time concerned;
- (b) in a case falling within paragraph (2)(b), the acceptance of the undertaking or group of undertakings concerned;
- (c) in a case falling within paragraph (2)(c), (d) or (g), the making of the decision concerned;
- (d) in a case falling within paragraph (2)(h), the making of the decision neither to accept an undertaking under paragraph 9 of Schedule 2 nor to make an order under paragraph 11 of that Schedule; and

- (e) in a case falling within paragraph (2)(i), the acceptance of the undertakings concerned or (as the case may be) the making of the order concerned.

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**Textual Amendments**

- F1** Word in [art. 3\(2\)\(a\)](#) substituted (1.4.2014) by [The Enterprise Act 2002 \(Protection of Legitimate Interests\) \(Amendment\) Order 2014 \(S.I. 2014/891\)](#), arts. 1, [4\(a\)](#) (with arts. 20-23)
- F2** Words in art. 3(2)(a) inserted (29.12.2003) by [The Enterprise Act 2002 and Media Mergers \(Consequential Amendments\) Order 2003 \(S.I. 2003/3180\)](#), reg. 1(1), **Sch. para. 10(3)(a)**
- F3** Words in art. 3(2)(a) inserted (29.12.2003) by [The Enterprise Act 2002 and Media Mergers \(Consequential Amendments\) Order 2003 \(S.I. 2003/3180\)](#), reg. 1(1), **Sch. para. 10(3)(b)**
- F4** Word in [art. 3\(2\)\(d\)](#) substituted (1.4.2014) by [The Enterprise Act 2002 \(Protection of Legitimate Interests\) \(Amendment\) Order 2014 \(S.I. 2014/891\)](#), arts. 1, [4\(b\)](#) (with arts. 20-23)
- F5** Word in [art. 3\(2\)\(e\)](#) substituted (1.4.2014) by [The Enterprise Act 2002 \(Protection of Legitimate Interests\) \(Amendment\) Order 2014 \(S.I. 2014/891\)](#), arts. 1, [4\(b\)](#) (with arts. 20-23)

**Changes to legislation:**

There are currently no known outstanding effects for the The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003, Section 3.