

SCHEDULE 4

Saving and transitional provision

PART 7

Enterprise Act 2002

Intervention to protect legitimate interests: European intervention notice before exit day

- 28.**—(1) This paragraph applies in a case in which immediately before exit day—
- (a) the Secretary of State has given a notice to the CMA under section 67(2) of the 2002 Act in relation to a European relevant merger situation;
 - (b) the matter to which the notice relates has not been finally determined in accordance with article 3 of the 2003 Order; and
 - (c) the EU merger decision has not been taken in relation to the concentration concerned.
- (2) On and after exit day—
- (a) the notice under section 67(2) of the 2002 Act has effect as if it were a notice under section 42(2) of that Act, and
 - (b) Part 3 of the 2002 Act has effect in relation to the case subject to paragraphs 29 to 33.
- (3) In sub-paragraph (2), the reference to Part 3 of the 2002 Act—
- (a) includes provision made under that Part; and
 - (b) is a reference to that Part and provision made under it as modified by these Regulations.