



Enterprise Act 2002

2002 CHAPTER 40

PART 3

MERGERS

CHAPTER 5

SUPPLEMENTARY

Merger notices

99 Certain functions of [F¹CMA] in relation to merger notices

- (1) The [F²CMA] shall, so far as practicable and when [F³the initial period (within the meaning of section 34ZA) begins in relation to the merger notice], take such action as the [F²CMA] considers appropriate to bring—
- (a) the existence of the proposal;
 - (b) the fact that the merger notice has been given; and
 - (c) the date on which the period for considering the notice may expire;
- to the attention of those whom the [F²CMA] considers would be affected if the arrangements were carried into effect.

F⁴(2)

F⁴(3)

F⁴(4)

- (5) The [F⁵CMA] may, at any time before the end of [F⁶the initial period (within the meaning of section 34ZA) in relation to a merger notice], reject the notice if—
- (a) the [F⁵CMA] suspects that any information given in respect of the notified arrangements (whether in the merger notice or otherwise) by the person who

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gave the notice or any connected person is in any material respect false or misleading;

- (b) the [^{F5}CMA] suspects that it is not proposed to carry the notified arrangements into effect; [^{F7}or]
- (c) any prescribed information is not given in the merger notice [^{F8}or the person who gave the merger notice has failed (with or without a reasonable excuse) to comply with any requirement of a notice under section 109 in relation to the case concerned]; ^{F9}...

^{F9}(d)

(6) In this section and section 100 “connected person”, in relation to the person who gave a merger notice, means—

- (a) any person who, for the purposes of section 127, is associated with him; or
- (b) any subsidiary of the person who gave the merger notice or of any person so associated with him.

Textual Amendments

- F1** Word in s. 99 heading substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 5 para. 133(4)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Word in s. 99(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 5 para. 133(2)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Words in s. 99(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 8 para. 10(2)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** S. 99(2)-(4) omitted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 57, **Sch. 15 para. 35(2)**, S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F5** Word in s. 99(5) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 5 para. 133(3)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Words in s. 99(5) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 8 para. 10(3)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F7** Word in s. 99(5)(b) inserted (31.12.2020) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/93\)](#), regs. 1(1), **49(a)** (with Sch. 4 para. 28) (as amended by S.I. 2020/1343, regs. 1(1), **35-59**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F8** Words in s. 99(5)(c) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 15 para. 35(3)**; S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F9** S. 99(5)(d) and word omitted (31.12.2020) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/93\)](#), regs. 1(1), **49(b)** (with Sch. 4 para. 28) (as amended by S.I. 2020/1343, regs. 1(1), **35-59**); 2020 c. 1, **Sch. 5 para. 1(1)**

Modifications etc. (not altering text)

- C1** Pt. 3 modified (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 4 para. 56**; S.I. 2014/416, art. 2(1)(c) (with Sch.)

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002, Section 99.