
STATUTORY INSTRUMENTS

1994 No. 1934

MONOPOLIES AND MERGERS

**The Fair Trading Act (Amendment)
(Merger Prenotification) Regulations 1994**

Made - - - - *18th July 1994*
Coming into force - - *18th August 1994*

Whereas on 14th June 1994 the Secretary of State laid the draft of this Order before Parliament;
And whereas the said draft has been approved by resolution of each House of Parliament:
Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 75F(1) and (2) of the Fair Trading Act 1973(1), for the purpose of determining the effect of giving a merger notice and the steps which may be or are to be taken by any person in connection with such a notice, hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Fair Trading Act (Amendment) (Merger Prenotification) Regulations 1994.

(2) In these Regulations “the Act” means the Fair Trading Act 1973.

(3) These Regulations shall come into force one month after the day on which they are made and apply in relation to notices under section 75A(1) of the Act given on or after that date.

2. In section 75B(3) of the Act (power of Director General of Fair Trading to extend period for considering merger notice) for paragraphs (a) and (b) there shall be substituted “extend the period mentioned in subsection (2) of this section by a further fifteen days”.

3. In section 75B(8) of the Act, in paragraph (a), for “(3)(b)” there shall be substituted “(3)”.

4. In regulation 3 of the Merger (Prenotification) Regulations 1990(2) for paragraphs (a) and (b) there shall be substituted “five working days”.

(1) 1973 c. 41; sections 75A to F of that Act were inserted by section 146 of the Companies Act 1989 (c. 40).
(2) S.I.1990/501.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

18th July 1994

Neil Hamilton
Parliamentary Under Secretary of State for
Corporate Affairs
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the provisions under which the Director General of Fair Trading can extend the period for considering a notice given under section 75A of the Fair Trading Act 1973 in respect of a prospective merger (a merger notice). Unless a merger is referred to the Monopolies and Mergers Commission within the period for considering the notice, no reference may be made. At present section 75B(3) of the 1973 Act provides for the possibility of one extension of the period for considering a notice of ten days and a second possible extension of fifteen days. These Regulations amend section 75B(3) of the 1973 Act by providing instead for a single possible extension of the period for considering a merger notice of fifteen days. They also make a consequential amendment to regulation 3 of the Merger (Prenotification) Regulations 1990 which specifies the time before the end of the period for considering a merger notice within which material information is to be disclosed.