
STATUTORY INSTRUMENTS

1994 No. 73

WATER INDUSTRY, ENGLAND AND WALES

**The Water Enterprises (Merger)
(Modification) Regulations 1994**

<i>Made</i>	- - - -	<i>11th January 1994</i>
<i>Laid before Parliament</i>		<i>19th January 1994</i>
<i>Coming into force</i>	- -	<i>9th February 1994</i>

The Secretary of State for the Environment and the Secretary of State for Wales acting jointly, in exercise of their powers under section 33(4) of the Water Industry Act 1991(1), hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Water Enterprises (Merger) (Modification) Regulations 1994 and shall come into force on 9th February 1994.

Modification of section 33(1) of the Water Industry Act 1991

2. Section 33(1)(a) of the Water Industry Act 1991 (exclusion of small mergers from duty to make merger reference) shall have effect, in relation to mergers after the coming into force of these Regulations, as if for the words “the amount for the time being specified in section 64(1)(b) of the 1973 Act (condition of merger reference relating to amount of assets taken over)” there were substituted “£30 million”.

11th January 1994

John Selwyn Gummer
Secretary of State for the Environment

11th January 1994

John Redwood
Secretary of State for Wales

(1) 1991 c. 56; see section 219(8) as to the joint exercise of functions exercisable concurrently.

Status: This is the original version (as it was originally made).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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 33(1)(a) of the Water Industry Act 1991 requires the Secretary of State not to make a merger reference under section 32 of the Act in respect of any merger of two or more water enterprises if it appears to him that the value of the assets taken over would not exceed the amount specified in section 64(1)(b) of the Fair Trading Act 1973 (c. 41) (which defines the merger situations qualifying for investigation by reason of the value of the assets taken over). These Regulations modify section 33 so that for future mergers the amount is £30 million instead of the amount specified in the 1973 Act (which has been increased from £30 million to £70 million by the [Merger References \(Increase in Value of Assets\) Order 1994 \(S. I. 1994/72\)](#)).