
STATUTORY INSTRUMENTS

1996 No. 345

DEREGULATION

**The Deregulation (Fair Trading Act 1973) (Amendment)
(Merger Reference Time Limits) Order 1996**

Made - - - - - *19th February 1996*

Coming into force - - - - - *19th March 1996*

Whereas:

- (a) the Secretary of State is of the opinion that certain provisions of the Fair Trading Act 1973⁽¹⁾ impose burdens affecting persons in the carrying on of a trade, business, profession or otherwise and that by amending or repealing the provisions concerned it is possible to remove or reduce the burdens without removing any necessary protection;
- (b) he has consulted such organisations as appear to him to be representative of interests substantially affected by his proposals and such other persons as he considers appropriate;
- (c) it appears to the Secretary of State that it is appropriate, following that consultation, to proceed with the making of this Order;
- (d) a document setting out the Secretary of State's proposals has been laid before Parliament in accordance with section 3 of the Deregulation and Contracting Out Act 1994⁽²⁾ and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) the Secretary of State has had regard to the representations made during that period;
- (f) a draft of this Order has been laid before Parliament with a statement giving details of such representations and the changes (if any) to the Secretary of State's proposals in the light of those representations; and
- (g) a draft of this Order has been approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 1 of the Deregulation and Contracting Out Act 1994, hereby makes the following Order:

1.—(1) This Order may be cited as the Deregulation (Fair Trading Act 1973) (Amendment) (Merger Reference Time Limits) Order 1996.

(2) This Order shall come into force one month after the date on which it is made and shall apply to cases where two or more enterprises cease to be distinct enterprises on or after the date on which it comes into force.

(1) 1973 c. 41.
(2) 1994 c. 40.

Status: This is the original version (as it was originally made).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

2. In section 64(4) of the Fair Trading Act 1973, in each of paragraphs (a) and (b), for “six months” there shall be substituted “four months”.

Department of Trade and Industry
19th February 1996

John Taylor
Parliamentary Under Secretary of State,

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the Deregulation and Contracting Out Act 1994 which allows statutory provisions to be amended, without removing any necessary protection, in order to reduce burdens affecting persons carrying on business. This Order amends section 64 of the Fair Trading Act 1973 which provides that the Secretary of State may make a merger reference to the Monopolies and Mergers Commission where it appears to him that two or more enterprises have ceased to be distinct and that at least one of the specified conditions is satisfied. Section 64 at present provides that a merger reference may be made within six months of the completion of the merger, or if later, within six months of the material facts about the merger being made public or notified to the Secretary of State or the Director General of Fair Trading. This Order reduces each of those periods from six months to four months.