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STATUTORY INSTRUMENTS

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**2019 No. 1490**

**The Public Interest Merger Reference (Gardner Aerospace Holdings Ltd. and Impcross Ltd.) (Pre-emptive Action) Order 2019**

**Interpretation**

**2.—(1) In this Order—**

“the Act” means the Enterprise Act 2002;

“Gardners” means Gardner Aerospace Holdings Limited (a company incorporated in England and Wales, registered number 07978111), and any body corporate which is interconnected with Gardner Aerospace Holdings Limited (other than Impcross);

“the Gardners business” means any enterprises carried on by Gardners;

“Impcross” means Impcross Limited (a company incorporated in England and Wales, registered number 02909757);

“the Impcross business” means any enterprises carried on by Impcross;

“key staff”, in relation to a business, means—

- (a) staff in positions of executive or managerial responsibility or whose performance affects the viability of the business; or
- (b) staff whose work for the business involves creating, developing, understanding, using or applying any of the information referred to in article 8;

“the ordinary course of business” means matters connected to the day-to-day supply of goods or services by Impcross and does not include matters involving significant changes to the organisational structure of the Impcross business or related to the integration of the Impcross business and the Gardners business;

“working day” means any day which is not—

- (a) a Saturday, a Sunday, Good Friday or Christmas Day, or
- (b) a day which is a bank holiday in England and Wales.

(2) For the purposes of this Order, one person (A) is an “affiliate” of another person (B), if any enterprise that A carries on from time to time and any enterprise that B carries on from time to time would be regarded as being under common control for the purposes of section 26 of the Act (enterprises ceasing to be distinct enterprises).