



Fair Trading Act 1973

1973 CHAPTER 41

PART V

MERGERS

Other merger references

74 Interim order in respect of merger reference

- (1) Where a merger reference has been made to the Commission, and does not impose on the Commission a limitation under section 69(4) of this Act, then, with a view to preventing action to which this subsection applies, the Secretary of State, subject to subsection (3) of this section, may by order made by statutory instrument—
 - (a) prohibit or restrict the doing of things which in his opinion would constitute action to which this subsection applies, or
 - (b) impose on any person concerned obligations as to the carrying on of any activities or the safeguarding of any assets, or
 - (c) provide for the carrying on of any activities or the safeguarding of any assets either by the appointment of a person to conduct or supervise the conduct of any activities (on such terms and with such powers as may be specified or described in the order) or in any other manner, or
 - (d) exercise any of the powers which, by virtue of paragraph 12 of Schedule 8 to this Act, are exercisable by an order under section 73 of this Act.
- (2) In relation to a merger reference the preceding subsection applies to any action which might prejudice the reference or impede the taking of any action under this Act which may be warranted by the Commission's report on the reference.
- (3) No order shall be made under this section in respect of a merger reference after whichever of the following events first occurs, that is to say—
 - (a) the time (including any further period) allowed to the Commission for making a report on the reference expires without their having made such a report;

Status: This is the original version (as it was originally enacted).

- (b) the period of forty days beginning with the day on which a report of the Commission on the reference is laid before Parliament expires.
- (4) An order under this section made in respect of a merger reference (if it has not previously ceased to have effect) shall cease to have effect on the occurrence of whichever of those events first occurs, but without prejudice to anything previously done under the order.
- (5) Subsection (4) of this section shall have effect without prejudice—
 - (a) to the operation, in relation to any such order, of section 134(1) of this Act, or
 - (b) to the operation of any order made under section 73 of this Act which exercises the same or similar powers to those exercised by the order under this section.