

*These notes refer to the Enterprise Act 2002 (c.40)
which received Royal Assent on 7 November 2002*

ENTERPRISE ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Mergers

Summary and Background

Chapter 5: Supplementary

Merger notices

Sections 97 and 98: Period for considering merger notices & Section 97: supplementary

256. These sections provide for the time-periods in which a reference can be made under a notice. On receipt of a merger notice, the OFT has 20 working days, with a possibility of extending that to 30 working days, to decide whether to refer. This reduces the FTA 1973 merger notice timetable by 5 days.
257. If an intervention notice has been served, the time-period can be extended to a maximum of 40 working days.
258. There are also circumstances in which a merger notice timetable can be extended further:
- if the parties have failed to provide information that the OFT asked for. In this case, the extension will be the period it took for the parties to provide the information;
 - if the OFT is seeking undertakings. In this case the extension will be for the period it takes until undertakings are given; or up to 10 days after the OFT has received a notice saying that undertakings will not be given;
 - if the European Commission is considering whether to deal with the case following a request made under article 22(3) of the ECMR;
 - if the Secretary of State decides to extend her consideration of a public interest case in relation to the creation of a new public interest gateway.