



Enterprise Act 2002 (repealed)

2002 CHAPTER 40

PART 3

MERGERS

CHAPTER 1

DUTY TO MAKE REFERENCES

Duty to make references: anticipated mergers

[^{F1}34ZB Extension of time-limits

- (1) The CMA may extend the initial period mentioned in section 34ZA(1) if it considers that a relevant person has failed (with or without a reasonable excuse) to comply with any requirement of a notice under section 109 in relation to the case in question.
- (2) In subsection (1), “relevant person” means—
 - (a) any person carrying on any of the enterprises concerned;
 - (b) any person who (whether alone or as a member of a group) owns or has control of any such person; or
 - (c) any officer, employee or agent of any person mentioned in paragraph (a) or (b).
- (3) For the purposes of subsection (2), a person or group of persons able, directly or indirectly, to control or materially to influence the policy of a body of persons corporate or unincorporate, but without having a controlling interest in that body of persons, may be treated as having control of it.
- (4) Where an intervention notice is in force in relation to the matter concerned, the CMA may extend the initial period by no more than 20 working days.

Status: Point in time view as at 25/04/2013. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002 (repealed), Section 34ZB. (See end of Document for details)

- (5) The CMA may by notice extend the initial period if the European Commission is considering a request made, in relation to the matter concerned, by the United Kingdom (whether alone or with others) under article 22(1) of the EC Merger Regulation (but is not yet proceeding with the matter in pursuance of such a request).
- (6) An extension under subsection (1) or (4) comes into force when published under section 107.
- (7) An extension under subsection (1) continues in force until—
- (a) the person concerned provides the information or documents to the satisfaction of the CMA or (as the case may be) appears as a witness in accordance with the requirements of the CMA; or
 - (b) the CMA publishes its decision to cancel the extension.
- (8) An extension under subsection (5) shall be for the period which—
- (a) begins when notice is given under that subsection, and
 - (b) ends when the CMA gives notice of the completion by the European Commission of its consideration of the request of the United Kingdom.
- (9) In this section, “working day” has the same meaning as in section 34ZA.]

Textual Amendments

- F1** Ss. 34ZA-34ZC inserted (25.4.2013 for specified purposes) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(1)(i)(3), [Sch. 8 para. 4](#)

Status:

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