



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 3

#### MERGERS

### CHAPTER 5

#### SUPPLEMENTARY

##### *Merger notices*

#### **99 Certain functions of [F<sup>1</sup>CMA] in relation to merger notices**

- (1) The [F<sup>2</sup>CMA] shall, so far as practicable and when [F<sup>3</sup>the initial period (within the meaning of section 34ZA) begins in relation to the merger notice], take such action as the [F<sup>2</sup>CMA] considers appropriate to bring—
- (a) the existence of the proposal;
  - (b) the fact that the merger notice has been given; and
  - (c) the date on which the period for considering the notice may expire;
- to the attention of those whom the [F<sup>2</sup>CMA] considers would be affected if the arrangements were carried into effect.

F<sup>4</sup>(2) .....

F<sup>4</sup>(3) .....

F<sup>4</sup>(4) .....

- (5) The [F<sup>5</sup>CMA] may, at any time before the end of [F<sup>6</sup>the initial period (within the meaning of section 34ZA) in relation to a merger notice], reject the notice if—
- (a) the [F<sup>5</sup>CMA] suspects that any information given in respect of the notified arrangements (whether in the merger notice or otherwise) by the person who

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 99. (See end of Document for details)*

- gave the notice or any connected person is in any material respect false or misleading;
- (b) the [<sup>F5</sup>CMA] suspects that it is not proposed to carry the notified arrangements into effect;
- (c) any prescribed information is not given in the merger notice [<sup>F7</sup> or the person who gave the merger notice has failed (with or without a reasonable excuse) to comply with any requirement of a notice under section 109 in relation to the case concerned]; or
- (d) the [<sup>F5</sup>CMA] considers that the notified arrangements are, or if carried into effect would result in, a concentration with a Community dimension within the meaning of the [<sup>F8</sup>EC Merger Regulation].
- (6) In this section and section 100 “connected person”, in relation to the person who gave a merger notice, means—
- (a) any person who, for the purposes of section 127, is associated with him; or
- (b) any subsidiary of the person who gave the merger notice or of any person so associated with him.

#### Textual Amendments

- F1** Word in s. 99 heading substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 133\(4\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Word in s. 99(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 133\(2\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Words in s. 99(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 8 para. 10\(2\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** S. 99(2)-(4) omitted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 57, [Sch. 15 para. 35\(2\)](#), S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F5** Word in s. 99(5) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 133\(3\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Words in s. 99(5) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 8 para. 10\(3\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F7** Words in s. 99(5)(c) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 15 para. 35\(3\)](#); S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F8** Words in s. 99(5)(d) substituted (1.5.2004) by [The EC Merger Control \(Consequential Amendments\) Regulations 2004 \(S.I. 2004/1079\)](#), reg. 2, [Sch. para. 2\(23\)](#)

#### Modifications etc. (not altering text)

- C1** Pt. 3 modified (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 4 para. 56](#); S.I. 2014/416, art. 2(1)(c) (with Sch.)

**Status:**

Point in time view as at 01/04/2014. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise Act 2002, Section 99.