
STATUTORY INSTRUMENTS

1991 No. 2702

MONOPOLIES AND MERGERS

**The Merger Reference (Medicopharma NV and
AAH Holdings plc) (Amendment) Order 1991**

Made - - - - 2nd December 1991
Laid before Parliament 4th December 1991
Coming into force - - 2nd December 1991

Whereas –

- (1) the Secretary of State, in exercise of powers conferred on him by sections 64 and 69(2) of the Fair Trading Act 1973(1), on 21st November 1991 referred to the Monopolies and Mergers Commission for investigation and report the matter of enterprises of Medicopharma NV and enterprises of AAH Holdings plc ceasing to be distinct enterprises; and
- (2) the Secretary of State was of the opinion that the doing of the things mentioned in article 2 of the Merger Reference (Medicopharma NV and AAH Holdings plc) Order 1991(2), or the doing of anything in contravention of article 3 of that Order, would constitute action which might prejudice the reference or impede the taking of action under the said Act which might be warranted by the Commission's report on the reference; but
- (3) the Secretary of State is now of the opinion that the doing of the things mentioned in article 2(b) of the said Order would not constitute such action in the circumstances described in article 2 of this Order:

Now, therefore, the Secretary of State, in exercise of powers conferred on him by sections 74(1)(a) and (b) and 134(2) of the said Act, hereby orders as follows:

1. This Order may be cited as the Merger Reference (Medicopharma NV and AAH Holdings plc) (Amendment) Order 1991 and shall come into force forthwith.

2. Article 2(b) of the Merger Reference (Medicopharma NV and AAH Holdings plc) Order 1991 shall not apply where–

- (a) goods had been supplied as specified in the said article 2(b) both by Medicopharma NV or a subsidiary thereof and by another person, and
- (b) the custom being, or to be, solicited is the custom enjoyed or formerly enjoyed by that other person.

(1) 1973 c. 41.
(2) S.I.1991/2648.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2nd December 1991

Peter Lilley
Secretary of State for Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Order)

The Merger Reference (Medicopharma NV and AAH Holdings plc) Order 1991 prohibits AAH Holdings plc and its subsidiaries from (among other things) soliciting custom from the former customers in the United Kingdom of Medicopharma NV and its subsidiaries.

This Order provides that the prohibition will not apply where both Medicopharma (or a subsidiary) and another person had supplied the customer and the custom being solicited is that enjoyed by that other person.