



Fair Trading Act 1973

1973 CHAPTER 41

PART V

MERGERS

Other merger references

69 Different kinds of merger references

- (1) Subject to the following provisions of this Part of this Act, on a merger reference the Commission shall investigate and report on the questions—
 - (a) whether a merger situation qualifying for investigation has been created, and
 - (b) if so, whether the creation of that situation operates, or may be expected to operate, against the public interest.
- (2) A merger reference may be so framed as to require the Commission, in relation to the question whether a merger situation qualifying for investigation has been created, to exclude from consideration paragraph (a) of subsection (1) of section 64 of this Act, or to exclude from consideration paragraph (b) of that subsection, or to exclude one of those paragraphs if the Commission find the other satisfied.
- (3) In relation to the question whether any such result as is mentioned in section 64(1)(a) of this Act has arisen, a merger reference may be so framed as to require the Commission to confine their investigation to the supply of goods or services in a specified part of the United Kingdom.
- (4) A merger reference may require the Commission, if they find that a merger situation qualifying for investigation has been created, to limit their consideration thereafter to such elements in, or possible consequences of, the creation of that situation as may be specified in the reference, and to consider whether, in respect only of those elements or possible consequences, the situation operates, or may be expected to operate, against the public interest.