



# Fair Trading Act 1973

## 1973 CHAPTER 41

### PART V

#### MERGERS

##### *Other merger references*

#### **74 Interim order in respect of merger reference.**

- (1) Where a merger reference has been made to the Commission, . . . <sup>F1</sup>, then, with a view to preventing action to which this subsection applies, the Secretary of State, subject to subsection (3) of this section, may by order made by statutory instrument—
  - (a) prohibit or restrict the doing of things which in his opinion would constitute action to which this subsection applies, or
  - (b) impose on any person concerned obligations as to the carrying on of any activities or the safeguarding of any assets, or
  - (c) provide for the carrying on of any activities or the safeguarding of any assets either by the appointment of a person to conduct or supervise the conduct of any activities (on such terms and with such powers as may be specified or described in the order) or in any other manner, or
  - (d) exercise any of the powers which, by virtue of [<sup>F2</sup>paragraph 12 and 12A] of Schedule 8 to this Act, are exercisable by an order under section 73 of this Act.
- (2) In relation to a merger reference the preceding subsection applies to any action which might prejudice the reference or impede the taking of any action under this Act which may be warranted by the Commission's report on the reference.
- (3) No order shall be made under this section in respect of a merger reference after whichever of the following events first occurs, that is to say—
  - (a) the time (including any further period) allowed to the Commission for making a report on the reference expires without their having made such a report;
  - (b) the period of forty days beginning with the day on which a report of the Commission on the reference is laid before Parliament expires.

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Fair Trading Act 1973, Section 74. (See end of Document for details)*

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- (4) An order under this section made in respect of a merger reference (if it has not previously ceased to have effect) shall cease to have effect on the occurrence of whichever of those events first occurs, but without prejudice to anything previously done under the order.
- (5) Subsection (4) of this section shall have effect without prejudice—
- (a) to the operation, in relation to any such order, of section 134(1) of this Act, or
  - (b) to the operation of any order made under section 73 of this Act which exercises the same or similar powers to those exercised by the order under this section.

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**Textual Amendments**

**F1** Words in s. 74(1) repealed by [Companies Act 1989 \(c. 40, SIF 27\)](#), ss. 153, 212, Sch. 20 paras. 8(a), 10, [Sch. 24](#)

**F2** Words substituted by [Companies Act 1989 \(c. 40, SIF 27\)](#), s. 153, Sch. 20 paras. 8(b), [10](#)

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

**C1** [Ss. 64-77](#) modified (E.W.S.) (1.4.1994) by [1993 c. 43, s. 66\(3\)](#); [S.I. 1994/571, art. 5](#)

**Status:**

Point in time view as at 01/02/1991. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Fair Trading Act 1973, Section 74.