

Status: This version of this contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Paragraph 9. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 4

RELEVANT AND SPECIAL MERGER SITUATIONS

- 9 (1) Section 123 (power to alter share of supply test) is amended as follows.
- (2) In the heading, for “share of supply test” substitute “conditions for a relevant merger situation”.
- (3) In subsection (2), at the end insert—
“**(c)** to amend or replace the condition mentioned in **paragraph (a)** of **subsection (4C)** of that section.”
- (4) After subsection (3) insert—
“(3A) In exercising the power under subsection (1) to amend or replace the condition mentioned in subsection **(4D)** or **(4E)** of section 23 or any condition which for the time being applies instead of it, the Secretary of State must, in particular, have regard to the desirability of ensuring that any amended or new condition continues to operate by reference to the degree of commercial strength that at least one of the enterprises concerned would have had if the enterprises concerned had not ceased to be distinct enterprises.”

Commencement Information

II Sch. 4 para. 9 not in force at Royal Assent, see **s. 339(1)**

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