

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 7. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 5

MERGERS: FAST-TRACK REFERENCES UNDER SECTIONS 22 AND 33 OF EA 2002

7 After section 34ZC (sections 34ZA and 34ZB: supplementary) insert—

“34ZD Fast-track reference requests

- (1) **Subsection (2)** applies where the following conditions are met—
 - (a) arrangements or proposed arrangements might have resulted or might result in the creation of a relevant merger situation (the “arrangements concerned”),
 - (b) no reference has been made under section 22 or 33 in respect of the arrangements concerned, and
 - (c) the CMA has not informed the persons carrying on the enterprises concerned of a decision that the duty to make a reference under section 22(1) or 33(1) does not apply in respect of those arrangements.
- (2) The persons carrying on the enterprises concerned may make a fast-track reference request to the CMA at any time before the end of the initial period (whether or not that period has begun).
- (3) In this section and in **sections 34ZE and 34ZF**, “fast-track reference request” means a request that the CMA makes a reference under section 22(1A) or 33(1A) in relation to the arrangements concerned.

34ZE Fast-track reference requests: procedure

- (1) This section applies where a fast-track reference request is made and not withdrawn.
- (2) Where the fast-track reference request is made before the beginning of the initial period, the CMA may, at any time before the beginning of that period, reject the request.
- (3) Where the CMA has not rejected the fast-track reference request in accordance with **subsection (2)**, the CMA must, within the decision period, decide whether to accept the request in accordance with **section 34ZF** or reject the request.
- (4) Where the CMA accepts or rejects a fast-track reference request, the CMA must notify the persons carrying on the enterprises concerned that the request has been accepted or rejected.

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 7. (See end of Document for details)

(5) In this section—

“decision period” means, in relation to the arrangements concerned—

- (a) in a case where the initial period has not begun, that period, or
 - (b) in a case where the initial period has begun, the period beginning with the day on which the fast-track reference request is made and ending at the end of the initial period;
- “initial period” has the meaning given by section 34ZA(3).

34ZF Acceptance by the CMA of fast-track reference requests

- (1) The CMA may accept a fast-track reference request only if the condition in [subsection \(2\)](#) or [\(3\)](#) is met.
- (2) The condition in this subsection is that, in relation to the arrangements concerned—
 - (a) the CMA believes that it is or may be the case that a relevant merger situation has been created, and
 - (b) the CMA would not be prevented from making a reference under section 22(1) by reason of section 22(3).
- (3) The condition in this subsection is that, in relation to the arrangements concerned—
 - (a) the CMA believes that it is or may be the case that, if carried into effect, the arrangements will result in the creation of a relevant merger situation, and
 - (b) the CMA would not be prevented from making a reference under section 33(1) by reason of section 33(3).
- (4) In deciding whether to accept a fast-track reference request under [subsection \(2\)](#) or [\(3\)](#), the CMA must have regard, in particular, to—
 - (a) whether the arrangements concerned raise any consideration specified in section 58;
 - (b) whether a special intervention notice (see section 59(2)) is in force in relation to the arrangements.
- (5) Where the CMA decides to accept a fast-track reference request the duties to make references under sections 22(1) and 33(1) do not apply, and accordingly the CMA may not make any reference under those provisions in respect of the arrangements concerned (but see the duties under sections [22\(1A\)](#) and [33\(1A\)](#)).

Commencement Information

II Sch. 5 para. 7 not in force at Royal Assent, see [s. 339\(1\)](#)

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 7.