
STATUTORY INSTRUMENTS

2023 No. 1185

The Enterprise Act 2002 (Merger Fees and Determination of Turnover) (Amendment) and Energy Network Mergers (Consequential Amendments) Order 2023

PART 2

MERGER FEES AND TURNOVER

Amendments to the Enterprise Act 2002 (Merger Fees and Determination of Turnover) Order 2003

2. The Enterprise Act 2002 (Merger Fees and Determination of Turnover) Order 2003(1) is amended as follows.

3. In article 2(d) for “22 or 33” substitute “22, 33, 68B or 68C”.
4. In article 3(b) for “22 or 33” substitute “22, 33, 68B or 68C”.
5. In article 4(2) after “33(2)(b)” insert “or 68C(2)(a)”.
6. In article 5, after paragraph (3) insert—

“(3A) For the purpose of determining the amount of the fee payable under article 3(b) for decisions made in relation to a possible reference under section 68B or 68C of the Act including as part of a combined reference described in section 68E(1) of the Act, paragraphs (1) to (3) of this article have effect as if references to the United Kingdom were to Great Britain.

(3B) The amount of fee payable under article 3(b) for a decision made in relation to a combined reference described in section 68E(1) of the Act is—

- (a) in relation to a combined reference described in section 68E(1)(a) of the Act, the sum of the amounts that would have been payable under article 3(b) for—
 - (i) a decision made in relation to a possible reference under section 22 of the Act; and
 - (ii) a decision made in relation to a possible reference under section 68B of the Act;
- (b) in relation to a combined reference described in section 68E(1)(b) of the Act, the sum of the amounts that would have been payable under article 3(b) for—
 - (i) a decision made in relation to a possible reference under section 33 of the Act; and
 - (ii) a decision made in relation to a possible reference under section 68C of the Act.”.

Status: This is the original version (as it was originally made).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

7. In article 11, after paragraph (4) insert—

“(5) For the purpose of determining the turnover of an enterprise which is subject to a possible reference under section 68B or 68C of the Act, this article and Schedule 1 have effect as if references to the United Kingdom were to Great Britain.”