



Fair Trading Act 1973

1973 CHAPTER 41

PART V

MERGERS

Modifications etc. (not altering text)

- C1 Pt. V (ss. 57–77) restricted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), [s. 30\(4\)](#)
- C2 Pt. V (ss. 57–77) applied (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), [ss. 29\(9\)\(b\)](#), 30(6)
- C3 Pt. V (ss. 57–77) restricted (E.W.) (01.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\)](#), [ss. 34\(4\)](#), [223\(2\)](#) (with [ss. 82\(3\)](#), [186\(1\)](#), [188](#), [222\(1\)](#), [Sch. 14 para. 6](#)).
- C4 Pt. V (ss. 57–77) applied (E.W.) (01.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\)](#), [ss. 35\(2\)](#), [223\(2\)](#) (with [ss. 82\(3\)](#), [186\(1\)](#), [188](#), [222\(1\)](#), [Sch. 14 para. 6](#)).

Newspaper merger references

- ^{F1}**57** **Meaning of “newspaper”, “transfer of newspaper or of newspaper assets” and related expressions.**
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Textual Amendments

- F1 [Ss. 57–62](#) repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 373](#), [411\(2\)](#), [Sch. 19\(1\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- ^{F1}**58** **Prohibition of certain newspaper mergers.**
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Changes to legislation: There are currently no known outstanding effects for the Fair Trading Act 1973, Part V. (See end of Document for details)

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Textual Amendments

F1 Ss. 57-62 repealed (29.12.2003) by Communications Act 2003 (c. 21), ss. 373, 411(2), **Sch. 19(1)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F1 59 Newspaper merger reference.

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Textual Amendments

F1 Ss. 57-62 repealed (29.12.2003) by Communications Act 2003 (c. 21), ss. 373, 411(2), **Sch. 19(1)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F1 60 Time-limit for report on newspaper merger reference.

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Textual Amendments

F1 Ss. 57-62 repealed (29.12.2003) by Communications Act 2003 (c. 21), ss. 373, 411(2), **Sch. 19(1)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F1 61 Report on newspaper merger reference.

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Textual Amendments

F1 Ss. 57-62 repealed (29.12.2003) by Communications Act 2003 (c. 21), ss. 373, 411(2), **Sch. 19(1)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F1 62 Enforcement provisions relating to newspaper mergers.

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Textual Amendments

F1 Ss. 57-62 repealed (29.12.2003) by Communications Act 2003 (c. 21), ss. 373, 411(2), **Sch. 19(1)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

Other merger references

F2 63 Mergers references to which ss. 64 to 75 apply.

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

Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F2 64 Merger situation qualifying for investigation.

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Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F2 65 Enterprises ceasing to be distinct enterprises.

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Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F2 66 Time when enterprises cease to be distinct.

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Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F2 66A Obtaining control by stages.

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Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

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

F267 Valuation of assets taken over.

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Textual Amendments

- F2** Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F268 Supplementary provisions as to merger situations qualifying for investigation.

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Textual Amendments

- F2** Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F269 Different kinds of merger references.

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Textual Amendments

- F2** Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

Modifications etc. (not altering text)

- C5** Ss. 64-77 modified (E.W.S.) (1.4.1994) by 1993 c. 43, s. 66(3); S.I. 1994/571, art. 5

F270 Time-limit for report on merger reference.

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Textual Amendments

- F2** Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F271 Variation of certain merger references.

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

Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F272 Report of Commission on merger reference.

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Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F273 Order of Secretary of State on report on merger reference.

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Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F274 Interim order in respect of merger reference.

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Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F275 Reference in anticipation of merger.

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Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

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

Restriction on power to make merger reference where prior notice has been given

F275A General rule where notice given by acquirer and no reference made within period for considering notice.

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Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F275B The role of the Director.

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Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F275C Cases where power to refer unaffected.

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Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F275D Regulations

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Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F275E Interpretation of sections 75A to 75D.

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

Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F275F Power to amend sections 75B to 75D.

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Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

Undertakings as alternative to merger reference

F275G Acceptance of undertakings.

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Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F275H Publication of undertakings.

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Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F275J Review of undertakings.

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Textual Amendments

F2 Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

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

F²75K Order of Secretary of State where undertaking not fulfilled.

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Textual Amendments

- F2** Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

Supplementary

F²76 Functions of Director in relation to merger situations.

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Textual Amendments

- F2** Ss. 63-76 repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26** (with Sch. 24); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 4, 6, 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

F³77 Associated persons.

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Textual Amendments

- F3** S. 77 repealed (29.12.2003) by The Enterprise Act 2002 and Media Mergers (Consequential Amendments) Order 2003 (S.I. 2003/3180), art. 1(1), **Sch. para. 1(3)** (with art. 3)

Changes to legislation:

There are currently no known outstanding effects for the Fair Trading Act 1973, Part V.