



Fair Trading Act 1973

1973 CHAPTER 41

PART V

MERGERS

Other merger references

72 Report of Commission on merger reference

- (1) In making their report on a merger reference, the Commission shall include in it definite conclusions on the questions comprised in the reference, together with—
 - (a) such an account of their reasons for those conclusions, and
 - (b) such a survey of the general position with respect to the subject-matter of the reference, and of the developments which have led to that position,as in their opinion are expedient for facilitating a proper understanding of those questions and of their conclusions.
- (2) Where on a merger reference the Commission find that a merger situation qualifying for investigation has been created and that the creation of that situation operates or may be expected to operate against the public interest (or, in a case falling within subsection (4) of section 69 of this Act, find that one or more elements in or consequences of that situation which were specified in the reference in accordance with that subsection so operate or may be expected so to operate) the Commission shall specify in their report the particular effects, adverse to the public interest, which in their opinion the creation of that situation (or, as the case may be, those elements in or consequences of it) have or may be expected to have; and the Commission—
 - (a) shall, as part of their investigations, consider what action (if any) should be taken for the purpose of remedying or preventing those adverse effects, and
 - (b) may, if they think fit, include in their report recommendations as to such action.

Status: This is the original version (as it was originally enacted).

- (3) In paragraph (a) of subsection (2) of this section the reference to action to be taken for the purpose mentioned in that paragraph is a reference to action to be taken for that purpose either—
- (a) by one or more Ministers (including Ministers or departments of the Government of Northern Ireland) or other public authorities, or
 - (b) by one or more persons specified in the report as being persons carrying on, owning or controlling any of the enterprises which, in accordance with the conclusions of the Commission, have ceased to be distinct enterprises.