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STATUTORY INSTRUMENTS

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**2003 No. 1369**

**The Enterprise Act 2002 (Merger  
Prenotification) Regulations 2003**

**Time at which fees are to be treated as paid**

**13.**—(1) Subject to paragraphs (2) and (3), any fee payable in accordance with a merger notice shall be treated as having been paid on the day on which a valid cheque or other instrument for the correct amount is received by the OFT.

(2) Where a cheque or other instrument received as payment for a fee referred to in paragraph (1) is dishonoured on presentation, the fee shall, subject to paragraph (3), nevertheless be treated as having been paid on the day on which that cheque or other instrument is received if the condition specified in paragraph (4) is subsequently satisfied.

(3) Where a cheque or other instrument in respect of a fee referred to in paragraph (1) is received by the OFT on any day which is not a working day or after 5.00 pm on any working day, it shall be treated as having been received on the next working day.

(4) The condition referred to in paragraph (2) is that, within the period of 20 working days beginning with the first day after the merger notice is, in accordance with regulation 5 of these Regulations, treated as having been received by the OFT, the correct amount of the fee has been properly paid by a valid cheque or other instrument.

(5) Section 7 of the Interpretation Act 1978 shall not apply to the giving or sending of a cheque or other instrument in respect of a fee referred to in paragraph (1).