STATUTORY INSTRUMENTS

2000 No. 2566

COMPETITION

The Merger Reference (Interbrew SA and Bass PLC) (Interim Provision) Order 2000

Made - - - - -	*21st September 2000*
Laid before Parliament	*22nd September 2000*
Coming into force - -	*23rd September 2000*

Whereas:

(1) The Secretary of State, in exercise of powers conferred on him by sections 64 and 69(1), (2) and (4) of the Fair Trading Act 1973(**a**) has on 7th September 2000 referred to the Competition Commission for investigation and report the matter of enterprises carried on by or under the control of Interbrew SA ceasing to be distinct from enterprises formerly carried on by or under the control of Bass PLC;

(2) Bass Holdings Limited was formerly a subsidiary of Bass PLC; and

(3) In the opinion of the Secretary of State the exercise of the powers as set out in this Order is required with a view to preventing action which might prejudice the reference or impede the taking of any action under the said Act which might be warranted by the Commission's report on the reference;

Now therefore the Secretary of State with a view to preventing the doing of things which might prejudice the reference or impede the taking of any action under the said Act and in exercise of the powers conferred on him by sections 74 and 90 of the said Act hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Merger Reference (Interbrew SA and Bass PLC) (Interim Provision) Order 2000 and shall come into force on 23rd September 2000.

(2) In this Order—

"Bass" means Bass Holdings Limited and any interconnected body corporate of Bass Holdings Limited incorporated in a part of the United Kingdom or carrying on business in the United Kingdom (other than Interbrew);

"the Businesses" means the businesses of Bass in the United Kingdom;

"the Director" means the Director General of Fair Trading;

"Interbrew" means Interbrew SA, Interbrew UK Limited and any other member of the Interbrew group of interconnected bodies corporate which owns or controls the assets acquired from Whitbread PLC.

(**a**) 1973 c. 41.

Interim Provisions

2. To the extent that when this Order comes into force the Businesses are separately organised from the business of Interbrew:

(i) the Businesses shall be maintained as a viable going concern;

(ii) no step shall be taken to integrate the Businesses with the business of Interbrew; and

(iii) the Businesses shall not be transferred to any other person.

3. Without prejudice to the generality of article 2:

(i) the nature, description, range and standard of goods offered by the Businesses immediately before their acquisition by Interbrew shall be maintained and preserved;

(ii) the goods referred to in paragraph (i) above shall be distinguishable, by name, trademark or otherwise, from any other goods offered by Interbrew;

(iii) subject to paragraph (v) below, the assets, including production, wholesale and distribution facilities, brands and goodwill, of the Businesses shall be maintained and preserved;

(iv) the number and locations of the outlets of the Businesses shall be preserved;

(v) except with the prior written consent of the Director, no assets used in the operation of the Businesses shall be disposed of, and no interest in such assets shall be created or disposed of, other than in the ordinary course of business of the Businesses;

(vi) without prejudice to the generality of paragraph (v) above, no right or interest in any brand relating to the Businesses shall be disposed of and all such rights and interests shall be maintained; and

(vii) all necessary steps shall be taken to maintain all existing licences and approvals and to obtain those required for the purposes of the Businesses.

4. Interbrew and Bass shall provide the Director with such information as he may require for the purposes of monitoring the compliance of Interbrew and Bass with this Order and the Director is hereby empowered to require Interbrew and Bass to take such steps as appear to him to be necessary to ensure compliance with this Order.

Patricia Hewitt,
Minister of State for Small Business and E-Commerce,
21st September 2000 Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Order)

This Order requires Interbrew SA and Bass Holdings Limited (formerly a subsidiary of Bass PLC) to maintain the business of Interbrew SA separately from those of Bass Holdings Limited. The merger of Interbrew SA and enterprises formerly carried on by or under the control of Bass PLC has been referred to the Competition Commission. This Order, unless previously revoked, will cease to have effect 40 days after the Commission's report is laid before Parliament, or on the failure of the Commission to report within the period allowed.

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