



Jersey

**COMPETITION (MERGERS AND
ACQUISITIONS) (JERSEY) ORDER 2005**

Revised Edition

05.070.50

Showing the law as at 1 January 2006

This is a revised edition of the law



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COMPETITION (MERGERS AND ACQUISITIONS) (JERSEY) ORDER 2005

THE ECONOMIC DEVELOPMENT COMMITTEE, in pursuance of Article 20(3) of the Competition (Jersey) Law 2005¹ and after consulting the Jersey Competition Regulatory Authority, orders as follows –

Commencement [[see endnotes](#)]

1 Mergers and acquisitions to which Article 20(1) of the Competition (Jersey) Law 2005 applies

- (1) A merger or acquisition is a merger or acquisition of a type to which Article 20(1) of the Competition (Jersey) Law 2005 applies if its execution would –
 - (a) create an undertaking with a share of 25% or more of the supply or purchase of goods or services of any description supplied to or purchased from persons in Jersey; or
 - (b) enhance such a share held by an undertaking.
- (2) A merger or acquisition is a merger or acquisition of a type to which Article 20(1) of the Competition (Jersey) Law 2005 applies if –
 - (a) one or more of the undertakings involved in the proposed merger or acquisition has an existing share of 25% or more of the supply or purchase of goods or services of any description supplied to or purchased from persons in Jersey; and
 - (b) another undertaking involved in the proposed merger or acquisition is active in the supply or purchase of goods or services of any description that are upstream or downstream of those goods or services in which that 25% share is held.
- (3) Paragraph (2) has effect irrespective of whether –
 - (a) the supply or purchase mentioned in paragraph (2)(b) is to or from persons in Jersey; or
 - (b) there is an existing supply or purchase relationship between the parties to the proposed merger or acquisition.

- (4) A merger or acquisition is a merger or acquisition of a type to which Article 20(1) of the Competition (Jersey) Law 2005 applies if one or more of the parties to the proposed merger or acquisition has an existing share of 40% or more of the supply or purchase of goods or services of any description supplied to or purchased from persons in Jersey.
- (5) To determine whether a condition specified in this Article is met in respect of a proposed merger or acquisition –
 - (a) any appropriate description of goods or services may be adopted;
 - (b) a reference to goods or services of any description that are the subject of different forms of supply is to be construed as a reference to any of those forms of supply taken separately, together, or in groups; and
 - (c) any appropriate criterion (whether as to value, cost, price, quantity, capacity, number of workers employed or some other criterion, of whatever nature), or any combination of criteria may be applied.

2 Citation

This Order may be cited as the Competition (Mergers and Acquisitions) (Jersey) Order 2005.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement
Competition (Mergers and Acquisitions) (Jersey) Order 2005	R&O.28/2005	1 May 2005

Table of Renumbered Provisions

Original	Current
2(1)	2
2(2)	Spent, omitted

Table of Endnote References

¹*Chapter 05.070*