



**The Competition (Merger and Opinion Application Fees)
(Guernsey) Regulations, 2012**

<i>Made</i>	<i>31st July, 2012</i>
<i>Coming into operation</i>	<i>1st August, 2012</i>
<i>Laid before the States</i>	<i>26th September, 2012</i>

THE COMMERCE AND EMPLOYMENT DEPARTMENT, in exercise of the powers conferred upon it by sections 16(2)(d), 37(3)(c) and 63 of the Competition (Guernsey) Ordinance, 2012^a ("**the Ordinance**"), and all other powers enabling it in that behalf, hereby makes the following regulations:-

Matters in respect of which fees are payable.

1. Fees are payable in respect of –
 - (a) an application made under section 16(1)(b) of the Ordinance (application for approval under section 13(1) of the Ordinance), and
 - (b) an application for the opinion of the Authority made under section 37 of the Ordinance (requests for Authority's opinion as to compliance),

together the "**relevant matters**".

Amount of fees.

2. (1) The amount of fees payable in respect of the relevant matters are set out in the Schedule hereto.

(2) For the avoidance of doubt, the Authority's decision as to which fee is applicable is binding.

(3) For the purposes of the Schedule "**applicable turnover of undertakings**" means the combined applicable turnover of the undertakings involved in the merger or acquisition arising in the Channel Islands, calculated in accordance with regulations 1(2) and 1(3) of the Merger and Acquisition Regulations.

Person by whom, and time by which, fees are payable.

3. The fees shall be payable in full by the applicant at the time of the application, or within 14 days of the date on which the Authority notifies the applicant of the applicable fee (whichever is the later).

Failure to pay fees.

4. The Authority shall not be bound to consider any application in respect of a relevant matter until such time as the required fee has been paid in full.

Interpretation.

5. (1) In these regulations –

"**applicable turnover of undertakings**" has the meaning given in regulation 2,

"**the Merger and Acquisition Regulations**" means the Competition (Prescribed Mergers and Acquisitions) (Guernsey) Regulations, 2012,

"**relevant matters**" has the meaning given in regulation 1,

^a Ordres en Conseil Vol. XXV, p. 124; Vol. XXVI, pp. 146, 200 and 292;.

"the Turnover Regulations" means the Competition (Calculation of Turnover) (Guernsey) Regulations, 2012, and

other words and expressions have the same meaning as in the Ordinance.

(2) The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of these regulations as it applies to the interpretation of an enactment.

(3) Any reference in these regulations to an enactment is a reference thereto as from time to time amended, repealed and replaced (with or without modification), extended or applied.

Citation.

6. These Regulations may be cited as the Competition (Merger and Opinion Application Fees) (Guernsey) Regulations, 2012.

Commencement.

7. These Regulations shall come into force on the 1st August, 2012.

Dated this 31st July, 2012

A handwritten signature in blue ink, consisting of stylized initials and a surname, positioned above the printed name of the Deputy Minister.

DEPUTY K. STEWART

Minister of the Commerce and Employment Department

For and on behalf of the Department

^b Ordres en Conseil Vol. XIII, p. 355.

SCHEDULE

APPLICABLE FEES

MATTER IN RESPECT OF WHICH FEE PAYABLE	TYPE OF REVIEW REQUIRED	APPLICABLE TURNOVER OF UNDERTAKINGS	FEE PAYABLE
An application under s.16(1)(b) of the Ordinance	Preliminary review	Between £5,000,000 and £10,000,000	£500
	First detailed review		£5,000 less the fee paid for a preliminary review in respect of the same matter
	Second detailed review	Over £10,000,000	£10,000 less the fee paid for a preliminary review in respect of the same matter
			Such fee calculated by the Authority to cover its reasonable costs, fees and expenses in connection with the determination of the application, less any fee paid for a first detailed review in respect of the same matter
An application for the opinion of the Authority under s.37 of the Ordinance	Simple review		£2,000
	Detailed review		Such fee calculated by the Authority to cover its reasonable costs, fees and expenses in connection with the determination of the application

EXPLANATORY NOTE

(This note is not part of the regulations)

These Regulations specify the fees, and the person by whom and time by when the fees are payable, for applications to the Authority made under sections 16 and 37 of the Competition (Guernsey) Ordinance, 2012.