
Mergers fee information

September 2009

Subject to some limited exceptions, any merger which qualifies for reference to the Competition Commission is subject to a fee irrespective of whether a reference is made.

For a pre-notified merger using a merger notice, payment must be submitted with the completed notice. For other mergers which involve the acquisition of a controlling interest, the fee becomes payable on the announcement of the OFT's decision (or Secretary of State's in public interest cases) whether or not to refer the merger to the Competition Commission. The OFT's practice is to send an invoice to the merging parties after a decision has been announced, and payment must be made within 30 days of the date of the invoice.

The Department for Business, Innovation and Skills announced on 7 September 2009 that merger fees will increase on 1 October 2009. Fees vary according to the value of the UK turnover of the acquired enterprise. The following fees will apply:

Fee before 1/10/09	Fee on or after 1/10/09	Charge Band
£15,000	£30,000	Value of the UK turnover of the enterprises being acquired is £20 million or less
£30,000	£60,000	Value of the UK turnover of the enterprises being acquired is over £20 million but not over £70 million
£45,000	£90,000	Value of the UK turnover of the enterprises being acquired exceeds £70 million

In order to decide the fee due for each case the relevant date is as follows:

Statutory merger notices – the date that the Notice is treated as received by the OFT

Anticipated mergers – the date of the OFT decision

Completed mergers – the date the enterprises ceased to be distinct.

Fees may either be paid by banker's draft, or cheque, payable to the Office of Fair Trading and crossed 'AC Payee Only', or by Bankers Automated Clearing Systems (BACS) or Clearing House Automated Payments Systems (CHAPS). The fee must be paid in sterling. If payment is made by an electronic transfer the amount of payment received must be net of any service, transfer or wiring fees charged by any bank or financial institution.

Use the following information if paying by BACS or CHAPS.

By BACS

Bank of England

Account Number 11673000 – Office of Fair Trading

Sort Code Number 10 14 99

By CHAPS

NatWest Account Number 11673000 – Office of Fair Trading

Sort Code Number 16 53 60

Swiss No. NWBKGB2L

Any cheque sent as payment should be accompanied by the payment slip at the end of the fees request letter or the merger notice. The BACS or CHAPS payment should contain the acquirer's name. An email giving the acquirer's name, the OFT's file reference and invoice number, if applicable, and the CHAPS / BACS reference number should be sent by email to steven.clarke@oft.gov.uk so that the transfer can be matched to the relevant case.

Please follow this procedure carefully, particularly if the payment is in respect of a statutory merger notice. Any delay in matching the transferred fee with the merger notice may result in a delay in registering the notice and hence a delay in the statutory 20-working day period starting to run.

See also Part 7 of 'Mergers – Jurisdictional and procedural guidance', OFT 527, June 2009.