



Law Society
of Scotland

Consultation Response

Draft guidance on interim measures in merger investigations

July 2018



Introduction

The Law Society of Scotland is the professional body for over 11,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

The Society's Competition Law Sub-committee welcomes the opportunity to consider and respond to the CMA's consultation *Draft guidance on interim measures in merger investigations*.¹ The Sub-committee has the following comments to put forward for consideration.

Response

2.1 Is the content, format and presentation of the draft guidance sufficiently clear? If there are particular parts of the guidance where you feel greater clarity is necessary, please be specific about the sections concerned and the changes that you feel would improve them.

We consider that the draft guidance is sufficiently clear.

2.2 Is the draft guidance sufficiently comprehensive? Does it have any significant omissions? Do you have any suggestions for additional or revised content that you would find helpful?

We consider that overall the draft guidance is sufficiently comprehensive. However, we consider that it would be appropriate to add a template for the Compliance Statement, as templates are available in the document for the Derogation Request and other orders

¹ <https://www.gov.uk/government/consultations/interim-measures>



2.3 Do you agree with the policies set out in the guidance? In particular, do you agree with the policy set out in relation to the use of Interim Measures in anticipated mergers which are expected to complete during the course of the CMA's investigation (paragraphs 2.11 to 2.15)?

We have no comment on this question.

2.4 Do you have any other comments on the draft guidance?

We have no further comments.

For further information, please contact:

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