



Law Society  
of Scotland

# Consultation Response

Guidance on changes to the jurisdictional thresholds  
for UK merger control

April 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.

Our Competition Law sub-committee welcomes the opportunity to consider and respond to the Competition & Markets Authority's consultation: Guidance on changes to the jurisdictional thresholds for UK merger control. The sub-committee has the following comments to put forward for consideration.

## Consultation questions

---

### **Q1. Is the content, format and presentation of the draft guidance sufficiently clear?**

Yes. The draft guidance which satisfies the need for legal certainty and will assist affected companies to undertake cost-effective self-assessment. In particular, we support the clarification that the CMA will not be calling in mergers solely on the basis of the lower thresholds, but will require both a relevant merger situation and a realistic prospect of a substantial lessening of competition. We also welcome the clarification that parties will be able to consult the CMA's Merger Intelligence Committee under the normal procedure, which will assist with self-assessment.

### **Q2. Is the draft guidance sufficiently comprehensive?**

Yes. All other relevant information is covered by already established guidance notes, which are helpfully cross-referred to in this draft guidance.

### **Q3. Do you have any other comments on the draft guidance?**

We have no further comments at this stage.



**For further information, please contact:**

Carolyn Thurston Smith

Policy Team

Law Society of Scotland

DD: 0131 476 8205

[carolynthurstonsmith@lawscot.org.uk](mailto:carolynthurstonsmith@lawscot.org.uk)