

# News story: Manchester hospital trusts request fast track merger reference

From:

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Part of:

The CMA has opened a phase 1 investigation into the anticipated merger between 2 hospital trusts in central Manchester.

Central Manchester University Hospitals NHS Foundation Trust (CMFT) and University Hospital of South Manchester NHS Foundation Trust (UHSM) have announced they are planning to merge.

UHSM includes Wythenshawe Hospital and Withington Community Hospital, and CMFT includes Manchester Royal Eye Hospital, Manchester Royal Infirmary, Royal Manchester Children's Hospital, Altrincham Hospital, Saint Mary's Hospital, The University Dental Hospital and Trafford Hospitals.

The ability of patients and commissioning bodies to choose between hospitals gives healthcare providers incentives to improve the quality of their services for the benefit of patients.

Therefore, under the Enterprise Act 2002 and the Health and Social Care Act 2012, the Competition and Markets Authority (CMA) will now investigate the impact this merger could have on patient choice and the quality of healthcare services provided.

The CMA has also received a request from CMFT and UHSM to fast-track the investigation, and so it is today issuing an invitation for interested parties to [comment on the request](#).

The CMA is able to accelerate the referral of a merger case to an in-depth phase 2 investigation when requested by the merging parties. If the CMA proceeds with using the fast track procedure, it would expect to make a decision on referral within the next 15 working days.

The CMA and its predecessors (Office of Fair Trading and Competition Commission) have investigated a number of hospital mergers, most recently [Ashford and St Peter's Hospitals NHS Foundation Trust and Royal Surrey County Hospital NHS Foundation Trust](#).

# Press release: CMA challenges lighting company's pricing restrictions

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The CMA has provisionally found that a lighting supplier has broken competition law by restricting retailers' freedom to discount online.

The Competition and Markets Authority (CMA) has issued a statement of objections to Poole Lighting Limited (Poole), which supplies light fittings to national and independent retailers.

It is alleged the company stopped retailers from setting their own prices online and forced them to sell at – or above – a minimum price. This would be a form of 'resale price maintenance', which breaks competition law.

The CMA's findings are provisional and no final conclusion has been reached regarding whether there has been a breach of competition law.

Ann Pope, CMA Senior Director, Antitrust, said:

With more and more retail activity moving online, making sure competition works well in this channel is a priority for the CMA. That happens when retailers are free to set their own prices to attract customers using the internet to look for the best deal.

So we take allegations of online resale price maintenance seriously because it can keep those prices high and limit choice for consumers.

We will now carefully consider representations from the company before reaching a final decision.

The products being investigated by the CMA are the Saxby and Endon brands of domestic light fittings, including lamp shades, table lamps and wall light fittings. The size of the wider UK light fittings sector is estimated at £1.22 billion annually, including domestic and commercial sales.

## **Notes for editors**

1. The CMA is the UK's primary competition and consumer authority. It is an independent non-ministerial government department with responsibility for carrying out investigations into mergers, markets and the regulated

industries and enforcing competition and consumer law.

2. The Chapter I prohibition of the Competition Act 1998 covers anti-competitive agreements, concerted practices and decisions by associations of undertakings which have as their object or effect the prevention, restriction or distortion of competition within the UK or a part of it and which may affect trade within the UK or a part of it. Similarly, Article 101 of the Treaty on the Functioning of the European Union (TFEU) prohibits such anti-competitive agreements, concerted practices and decisions by associations of undertakings which may affect trade between EU member states.
3. The CMA has produced a series of [animated videos](#) explaining the main principles of competition law and how they affect small businesses.
4. The CMA fined 2 other companies for online resale price maintenance in May 2016: one in the [bathroom fittings sector](#) and one in the [commercial refrigeration sector](#).
5. The estimated size of the wider UK light fittings sector is £1.22 billion annually according to AMA Research Limited's 'Lighting Market Report – UK 2016-2020 Analysis', 13th edition, July 2016.
6. Any business found to have infringed the Competition Act 1998 could be fined up to 10% of its annual worldwide group turnover. In calculating financial penalties, the CMA takes into account a number of factors including seriousness of the infringement(s), turnover in the relevant market and any mitigating and/or aggravating factors.
7. The statement of objections is addressed to the following companies which the CMA provisionally considers were directly involved in the alleged infringements and/or are liable as parent companies of the companies directly involved in the alleged infringements:
  - Saxby brand: Poole Lighting Limited, Saxby Lighting Limited and their parent company, The National Lighting Company Limited.
  - Endon brand: Poole Lighting Limited, Endon Lighting Limited and their parent company, The National Lighting Company Limited.
8. The CMA has not addressed the statement of objections to any retailer. This is because the CMA has applied Rule 5(3) of its Competition Act 1998 Rules, according to which it may address its proposed infringement decision to fewer than all the persons who were party to the relevant agreements.
9. A statement of objections gives parties notice of a proposed infringement decision under the Competition Act 1998. It is a provisional decision only and does not necessarily lead to an infringement decision. Parties have the opportunity to make written and oral representations on the matters set out in the statement of objections. Any such representations will be considered by the CMA before any final decision is made.
10. The statement of objections will not be published. In accordance with the guidance [Competition Act 1998: Guidance on the CMA's investigation procedures in Competition Act 1998 cases \(CMA8\)](#), any person who is in a position materially to assist the CMA in testing its factual, legal or economic arguments may request a non-confidential version of the statement of objections by contacting the CMA.
11. The CMA currently has 12 ongoing cases open under the Competition Act 1998.

12. For more information on the CMA see our [homepage](#) or follow us on Twitter [@CMAgovuk](#), [Facebook](#), [Flickr](#) and [LinkedIn](#). Sign up to our [email alerts](#) to receive updates on Competition Act 1998 and civil cartels cases.
13. Information on this investigation can be found on the [case page](#).
14. Enquiries should be directed to Rebecca Cassar ([rebecca.cassar@cma.gsi.gov.uk](mailto:rebecca.cassar@cma.gsi.gov.uk), 020 3738 6633).

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## **Press release: UK firms secure lucrative 'green' construction contract with government support**

In a significant collaboration between UK firms Carillion and Zaha Hadid Architects, and leading UAE-based environmental management company Bee'ah, support from UK Export Finance (UKEF) has helped secure a contract to build Bee'ah's new headquarters in Sharjah, UAE, worth tens of millions of pounds.

Bee'ah's headquarters was designed by the late Dame Zaha Hadid, the world-renowned British architect. It will be built by Carillion and will be the first building of its kind in the city of Sharjah to be powered entirely by renewable and recoverable energy sources, whilst utilising recycled materials in its construction.

International Trade Secretary Dr Liam Fox said:

Our support to help Carillion secure this contract shows the UK's global leadership in sustainable engineering, and our pioneering expertise in developing smart cities and green buildings for the future. The UAE is a key partner in the region and 5,000 UK companies work in there. Through UKEF, the government is ensuring that British firms can be the first choice to support the country's ambitions.

The headquarters will be powered by low- and zero-carbon sources, including solar power and waste-to-energy and will be one of the most advanced buildings in the region. Using British architectural and construction expertise, the design has been developed to use natural light and temperature management systems where possible.

Zafar Khan, Group Finance Director, Carillion, said:

This contract cements Carillion's position as a market-leader in

the Middle East, as well as our credentials in sustainable construction. Our ability to offer our customers in the region the support of UK Export Finance is an invaluable asset, making our bids more attractive and helping us win contracts in a competitive global marketplace.

HE Salim bin Mohamed Al Owais, Chairman of Bee'ah, said:

As pioneers in environmental sustainability in the Middle East, Bee'ah is proud of our international alliances and the partnerships we have forged to advance our ambitious strategic goals. This agreement is a significant moment in the history of the region. It demonstrates Bee'ah's dedication and commitment to delivering on promises to the people of the UAE by providing tangible solutions to the greatest environmental challenges that face modern civilisation.

The headquarters is expected to be operational by the end of 2018, moving towards the major milestone of being powered by 100% renewable energy by 2021.

The financing deal provides for both the construction and design of Bee'ah's new headquarters; UKEF will support the Carillion and Zaha Hadid contracts under its Direct Lending Facility. HSBC Bank Middle East Ltd has acted as arranger on the transaction, and HSBC Bank Plc is the agent.

1. The construction phase of the project is expected to last 30 months.
2. The Department for International Trade is responsible for promoting British trade across the world and ensuring the UK takes advantage of the huge opportunities open to us.
3. [UK Export Finance](#) is the UK's export credit agency and a government department, working alongside the Department for International Trade as an integral part of its strategy and operations.
4. It exists to ensure that no viable UK export should fail for want of finance or insurance from the private market. It provides finance and insurance to help exporters win, fulfil and ensure they get paid for export contracts.
5. Sectors in which UKEF has supported exports include: aerospace, construction, oil and gas, mining and metals, petrochemicals, telecommunications, and transport.

6. UKEF has a regional network of [24 export finance managers](#) supporting export businesses.
7. UKEF supports exporters with a range of products that include:
  - Bond insurance policy
  - Bond support scheme
  - Buyer & supplier credit financing facility
  - Direct lending facility
  - Export insurance policy
  - Export refinancing facility
  - Export working capital scheme
  - Letter of credit guarantee scheme
8. Find the latest information on UKEF's [country cover positions](#)
9. Bee'ah, headquartered in the Emirate of Sharjah, is an integrated environmental and waste management company, founded in 2007, through an Emiri decree by His Highness Sheikh Dr Sultan Bin Mohammed Al Qasimi, Member of the Supreme Council and Ruler of Sharjah, as a public private partnership (PPP) with the Sharjah City Municipality.

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## **Brexit bill: Green MEPs blast MPs for failing to stand up for Parliamentary democracy**



9 February 2017

- \* **Molly Scott Cato MEP:** "While the government is moving us towards the hard Brexit cliff edge, it is Labour that seems willing to push us off."
- \* **Keith Taylor MEP:** "As Greens, we believe the British people should have the final say on the Brexit deal, once it is clear what the outcome of the negotiations are."
- \* **Jean Lambert MEP:** "How bizarre that, as an MEP, I am guaranteed a right to vote on this but my MP has to plead for the privilege."

UK Green MEPs, Molly Scott Cato, Jean Lambert, and Keith Taylor have issued a stinging condemnation of British MPs after Theresa May's Brexit bill denying Parliament any real say in the process [sailed through the Commons](#).

The Prime Minister rejected calls for MPs to have a meaningful role in shaping the proposed divorce deal. The government, instead, confirmed that the parliamentarians elected to represent the British and Northern Irish

people will only be offered a 'take it or leave it' vote on the final deal.

UK Green MEPs, who will get an opportunity to play a part in the EU's negotiating process and cast a significant vote on the final terms of the deal, hit out at the Government for undermining the sovereignty of the UK Parliament.

Molly Scott Cato MEP, the Green Party's Brexit spokesperson and MEP for the South West, said:

"I am delighted that 122 MPs voted against the Brexit bill. With Labour, Lib Dem, SNP, and Plaid Cymru MPs joining Green MP Caroline Lucas to reject the Bill unamended, we have seen a progressive alliance against the government's plans for an extreme Brexit.

However, while the government is moving us towards the hard Brexit cliff edge, it is Labour that seems willing to push us off. The Party has shown itself hopelessly divided and the failure to oppose the government on this the most critical of issues has played straight into the hands of the Tory Right.

Greens have been clear throughout: we cannot support triggering a process that will see the UK leave the single market and customs union and threatens to turn us into Europe's biggest tax haven. We need clear guarantees on worker and consumer rights and assurances there will be no weakening of environmental protections."

Jean Lambert, the Green MEP for London, said:

"It's outrageous that MPs appear grateful to be offered a vote on the final deal, rather than demanding this as a Parliamentary right. How bizarre that, as an MEP, I am guaranteed a right to vote on this but my MP has to plead for the privilege. And if my elected representative in UK Parliament has to plead, what say will the public get? The sidelining of Parliament and the British people is unacceptable.

The UK Parliament has chosen to set out little clear guidance for the Government on content or process: on what basis will MPs judge the final deal?"

Keith Taylor, the Green MEP for the South East and a plaintiff in so-called '[Dublin Case](#)', said:

"Theresa May has justified her riding roughshod over Parliamentary democracy by claiming the British people have united to back Brexit. They haven't. Far from it. The mandate for an extreme Brexit is non-existent. According to the [latest polls](#), just 39% of the British public support the Prime Minister's vision of an extreme Brexit. Meanwhile, 48% of people want Britain to either remain a member of the EU or, at least, maintain a close relationship with our European neighbours.

Yet the Government has confirmed that it will only offer MPs a Hobson's choice: the UK either leaves the single market and negotiates a new deal with

the EU or ends up with no deal at all, in which case the Government promises to make the country a tax haven outside Europe.

I know we can do better than this. Which is why I am fighting in the courts for the British people to be given the choice they are being denied. The EU referendum should have been the start of a democratic process, not the end of one. As Greens, we believe the British people should have the final say on the Brexit deal, once it is clear what the outcome of the negotiations are."

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## **Statement to Parliament: Commercial spaceflight**

We intend to publish a draft spaceflight bill later this month, dedicated to commercial spaceflight in the UK. This legislation will be fundamental to enabling small-satellite launches and sub-orbital flights from the UK, ensuring the UK is well placed to take advantage of a growing global market. The government's intention is to introduce this Bill formally early in the next session, following a period of scrutiny and engagement with industry and other interest groups.

The space sector is vital to the future of the UK economy, with a strong record of creating high-value jobs and generating wealth across the country. To help the creation of the space launch market in the UK, the [UK Space Agency](#) is inviting commercial space consortia to apply for grant funding to take the action that will make our ambitions a reality.

Together, the proposed legislation and grant funding announced today will have the potential to enable [commercial spaceflight](#) from a UK spaceport by 2020.