

REFERENCE RELATING TO THE ANTICIPATED MERGER OF ASHFORD AND ST PETER'S HOSPITALS NHS FOUNDATION TRUST AND ROYAL SURREY COUNTY HOSPITAL NHS FOUNDATION TRUST

Notice of provisional findings made under Rule 11 of the Competition and Markets Authority Rules of Procedure for Merger, Market and Special Reference Groups¹

Introduction

1. On 26 February 2015, the Competition and Markets Authority (CMA), in exercise of its duty under section 33(1) of the Enterprise Act 2002 (the Act), referred the anticipated merger of Ashford and St Peter's Hospitals NHS Foundation Trust (ASP) and Royal Surrey County Hospital NHS Foundation Trust (RSC), for further investigation and report by a group of CMA panel members (the inquiry group).

Provisional findings

2. The inquiry group appointed to consider this reference has made the following provisional findings on the statutory questions it has to decide pursuant to section 36(1) of the Act:
 - (a) a relevant merger situation has been created; and
 - (b) the creation of that situation has not resulted, or may not be expected to result, in a substantial lessening of competition within any of the following product markets in the wider Surrey area for the provision of NHS services:
 - (i) Elective acute services: services that are planned and typically require a referral from a GP or an allied healthcare professional.
 - (ii) Non-elective acute services: services that are unplanned or provided in urgent circumstances, such as A&E as well as supporting services

¹ See Rules of procedure for merger, market and special reference groups: CMA17.

such as emergency surgery and critical care services. Patients may be treated across a range of specialties.

- (iii) Services to private patients: services to private (fee-paying) patients.
 - (iv) Specialised services: these services are often low-volume, and tend to have few providers in a region. These services can be elective or non-elective.
 - (v) Community services: services provided in residential and community settings.
3. The inquiry group's reasons are set out in full in the provisional findings report, which will be published on the CMA website shortly, and are summarised in the summary of the provisional findings report (see note below).

The next steps

- 4. Anyone wishing to comment on the provisional findings is now invited to provide the inquiry group with their reasons in writing as to why these provisional findings should not become final (or, as the case may be, should be varied).
- 5. These reasons should be received by the Project Manager on behalf of the inquiry group by no later than 5pm on 4 September 2015.
- 6. The inquiry group will have regard to any such reasons in making its final decisions on the statutory questions and actions.

(signed) Simon Polito
Group Chair
14 August 2015

Note: A copy of this notice, the summary of the provisional findings report and the provisional findings will be placed on the [CMA webpages](#) on 14 August 2015, or shortly thereafter. The published version of the provisional findings report will not contain any information which the inquiry group considers should be excluded from the report, having regard to the three considerations set out in section 244 of the Act. These omissions are indicated by [✂].

Comments should be made by email to ashford.surrey@cma.gsi.gov.uk or write to:

Project Manager
Ashford/Surrey merger inquiry
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