

SCHEDULES

SCHEDULE 12

PROCEDURE ON REFERENCES UNDER SECTION 120

Oral hearings

- 7 (1) For the purposes of this Schedule, an oral hearing may be held, and evidence may be taken on oath by a group with the function of making a determination on a reference under section 120.
- (2) A group with that function may administer oaths for the purposes of this Schedule.
- (3) The Competition Commission must give notice to each objector who has made representations in accordance with paragraph 2 of the time and place at which an oral hearing is to be held.
- (4) The Competition Commission may by notice require a person—
- (a) to attend at a time and place specified in the notice, and
 - (b) to give evidence at that time and place to a group with that function.
- (5) At an oral hearing, the group conducting the hearing may require a person who comes within sub-paragraph (6), if present at the hearing, to give evidence or to make representations.
- (6) A person comes within this sub-paragraph if the person is—
- (a) an objector who has made representations in accordance with paragraph 2,
 - (b) a person attending the hearing as a representative of a person mentioned in paragraph (a), or
 - (c) a person attending the hearing as a representative of Monitor.
- (7) A person who gives oral evidence at the hearing may be cross-examined by or on behalf of any other person who is present at the hearing and comes within sub-paragraph (6).
- (8) If a person is not present at a hearing and so cannot be made subject to a requirement under sub-paragraph (5)—
- (a) the Competition Commission is not obliged to require the person to attend the hearing, and
 - (b) the group conducting the hearing may make a determination on the reference without hearing that person's evidence or representations.
- (9) Where a person is required under this paragraph to attend at a place more than 10 miles from that person's place of residence, the Competition Commission must pay the person the necessary expenses of attending.