



Competition Act 1998

1998 CHAPTER 41

PART I

COMPETITION

CHAPTER II

ABUSE OF DOMINANT POSITION

Notification

20 Requests for [F¹OFT] to consider conduct.

[F²(1) Sections 21 and 22 provide for conduct of a person which that person thinks may infringe the Chapter II prohibition to be considered by the [F¹OFT] on the application of that person.

(2) Schedule 6 provides for the procedure to be followed—

- (a) by any person making an application, and
- (b) by the [F¹OFT], in considering an application.]

Textual Amendments

F1 Words in s. 20 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 38\(14\)](#); [S.I. 2003/766](#), art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))

F2 Ss. 20-24 ceased to have effect (1.5.2004) by virtue of [The Competition Act 1998 and Other Enactments \(Amendment\) Regulations 2004 \(S.I. 2004/1261\)](#), reg. 1(a), [Sch. 1 para. 9](#) (with reg. 6(2))

21 Notification for guidance.

[F²(1) A person who applies for conduct to be considered under this section must—

Changes to legislation: Competition Act 1998, Cross Heading: Notification is up to date with all changes known to be in force on or before 28 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) notify the [F³OFT] of it; and
 - (b) apply to [F³the OFT] for guidance.
- (2) On an application under this section, the [F³OFT] may give the applicant guidance as to whether or not, in [F³its] view, the conduct is likely to infringe the Chapter II prohibition.]

Textual Amendments

- F2** Ss. 20-24 ceased to have effect (1.5.2004) by virtue of [The Competition Act 1998 and Other Enactments \(Amendment\) Regulations 2004 \(S.I. 2004/1261\)](#), reg. 1(a), **Sch. 1 para. 9** (with reg. 6(2))
- F3** Words in s. 21 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 25 para. 38(15)**; [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)

22 Notification for a decision.

- [F²(1) A person who applies for conduct to be considered under this section must—
- (a) notify the [F⁴OFT] of it; and
 - (b) apply to [F⁴the OFT] for a decision.
- (2) On an application under this section, the [F⁴OFT] may make a decision as to—
- (a) whether the Chapter II prohibition has been infringed; and
 - (b) if it has not been infringed, whether that is because of the effect of an exclusion.]

Textual Amendments

- F2** Ss. 20-24 ceased to have effect (1.5.2004) by virtue of [The Competition Act 1998 and Other Enactments \(Amendment\) Regulations 2004 \(S.I. 2004/1261\)](#), reg. 1(a), **Sch. 1 para. 9** (with reg. 6(2))
- F4** Words in s. 22 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 25 para. 38(16)**; [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)

23 Effect of guidance.

- [F²(1) This section applies to conduct if the [F⁵OFT] has determined an application under section 21 by giving guidance that the conduct is unlikely to infringe the Chapter II prohibition.
- (2) The [F⁵OFT] is to take no further action under this Part with respect to the conduct to which this section applies, unless—
- (a) [F⁵it] has reasonable grounds for believing that there has been a material change of circumstance since [F⁵it] gave [F⁵its] guidance;
 - (b) [F⁵it] has a reasonable suspicion that the information on which [F⁵it] based [F⁵its] guidance was incomplete, false or misleading in a material particular; or
 - (c) a complaint about the conduct has been made to [F⁵it].
- (3) No penalty may be imposed under this Part in respect of any infringement of the Chapter II prohibition by conduct to which this section applies.
- (4) But the [F⁵OFT] may remove the immunity given by subsection (3) if—

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- (a) [F5:it] takes action under this Part with respect to the conduct in one of the circumstances mentioned in subsection (2);
 - (b) [F5:it] considers that it is likely that the conduct will infringe the prohibition; and
 - (c) [F5:it] gives notice in writing to the undertaking on whose application the guidance was given that [F5:it] is removing the immunity as from the date specified in [F5:its] notice.
- (5) If the [F5:OFT] has a reasonable suspicion that information—
- (a) on which [F5:it] based [F5:its] guidance, and
 - (b) which was provided to [F5:it] by an undertaking engaging in the conduct, was incomplete, false or misleading in a material particular, the date specified in a notice under subsection (4)(c) may be earlier than the date on which the notice is given.]

Textual Amendments

- F2** Ss. 20-24 ceased to have effect (1.5.2004) by virtue of [The Competition Act 1998 and Other Enactments \(Amendment\) Regulations 2004 \(S.I. 2004/1261\)](#), reg. 1(a), [Sch. 1 para. 9](#) (with reg. 6(2))
- F5** Words in s. 23 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 38\(17\)](#); [S.I. 2003/766](#), art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))

24 Effect of a decision that the Chapter II prohibition has not been infringed.

- [F2(1) This section applies to conduct if the [F6:OFT] has determined an application under section 22 by making a decision that the conduct has not infringed the Chapter II prohibition.
- (2) The [F6:OFT] is to take no further action under this Part with respect to the conduct unless—
- (a) [F6:it] has reasonable grounds for believing that there has been a material change of circumstance since [F6:it] gave [F6:its] decision; or
 - (b) [F6:it] has a reasonable suspicion that the information on which [F6:it] based [F6:its] decision was incomplete, false or misleading in a material particular.
- (3) No penalty may be imposed under this Part in respect of any infringement of the Chapter II prohibition by conduct to which this section applies.
- (4) But the [F6:OFT] may remove the immunity given by subsection (3) if—
- (a) [F6:it] takes action under this Part with respect to the conduct in one of the circumstances mentioned in subsection (2);
 - (b) [F6:it] considers that it is likely that the conduct will infringe the prohibition; and
 - (c) [F6:it] gives notice in writing to the undertaking on whose application the decision was made that [F6:it] is removing the immunity as from the date specified in [F6:its] notice.
- (5) If the [F6:OFT] has a reasonable suspicion that information—
- (a) on which [F6:it] based [F6:its] decision, and
 - (b) which was provided to [F6:it] by an undertaking engaging in the conduct,

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was incomplete, false or misleading in a material particular, the date specified in a notice under subsection (4)(c) may be earlier than the date on which the notice is given.]

Textual Amendments

- F2** Ss. 20-24 ceased to have effect (1.5.2004) by virtue of [The Competition Act 1998 and Other Enactments \(Amendment\) Regulations 2004 \(S.I. 2004/1261\)](#), reg. 1(a), [Sch. 1 para. 9](#) (with reg. 6(2))
- F6** Words in s. 24 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 38\(18\)](#); [S.I. 2003/766](#), art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket Amendment words substituted by [2005 c. 4 Sch. 11 para. 5](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 25A(1A) inserted by [2024 c. 13 Sch. 28 para. 9\(3\)](#)
- s. 25B inserted by [2024 c. 13 s. 121\(2\)](#)
- s. 25B(1)(a) words in s. 25B(1) renumbered as s. 25B(1)(a) by [2024 c. 13 Sch. 28 para. 10\(2\)\(a\)](#)
- s. 25B(1)(b) and word inserted by [2024 c. 13 Sch. 28 para. 10\(2\)\(b\)](#)
- s. 25B(2) words inserted by [2024 c. 13 Sch. 28 para. 10\(3\)](#)
- s. 28(2)(g)-(i) inserted by [2024 c. 13 s. 122\(3\)\(b\)](#)
- s. 28A(2)(g)-(i) words omitted by [2024 c. 13 s. 122\(6\)\(b\)](#)
- s. 30(1A) inserted by [2024 c. 13 s. 122\(7\)](#)
- s. 31A(2A) inserted by [2024 c. 13 Sch. 11 para. 2](#)
- s. 31E(4) inserted by [2024 c. 13 Sch. 11 para. 3](#)
- s. 31G-31L and cross-heading inserted by S.I. 2019/93, reg. 8A (as inserted) by [S.I. 2019/1245 reg. 3](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 34(4) inserted by [2024 c. 13 Sch. 11 para. 5](#)
- s. 40A(7)(d) inserted by [2024 c. 13 Sch. 28 para. 11](#)
- s. 40B(5A) inserted by [2024 c. 13 Sch. 10 para. 10\(5\)](#)
- s. 40ZD(3)(a) words in s. 40ZD(3) renumbered as s. 40ZD(3)(a) by [2024 c. 13 Sch. 10 para. 6\(2\)](#)
- s. 40ZD(3)(b) and word inserted by [2024 c. 13 Sch. 10 para. 6\(3\)](#)
- s. 40ZE inserted by [2024 c. 13 Sch. 10 para. 8](#)
- s. 40ZE(1)(a) words inserted by [2024 c. 13 s. 121\(3\)](#)
- s. 42(8) inserted by [2024 c. 13 Sch. 10 para. 11\(3\)](#)
- s. 43(1A) inserted by [2024 c. 13 Sch. 10 para. 12](#)
- s. 44(2A) inserted by [2024 c. 13 Sch. 10 para. 13](#)
- s. 44A and cross-heading inserted by [2024 c. 13 Sch. 13 para. 2](#)
- s. 44B inserted by [2024 c. 13 Sch. 13 para. 15](#)
- s. 46(3)(ha)(hb) inserted by [2024 c. 13 s. 124\(1\)\(a\)](#)
- s. 46(3)(ha)(hb) inserted by S.I. 2019/93, reg. 14(d) (as inserted) by [S.I. 2019/1245 reg. 5](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 47(1)(ca) inserted by S.I. 2019/93, reg. 15(b) (as substituted) by [S.I. 2019/1245 reg. 6](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 47A(3A) inserted by [2024 c. 13 Sch. 3 para. 3](#)
- s. 47DA inserted by [2024 c. 13 Sch. 3 para. 4](#)
- s. 49(1A)(c) and word inserted by [2024 c. 13 Sch. 3 para. 7\(3\)](#)

- s. 60A(10) inserted by [2023 c. 28 s. 6\(10\)](#)
- s. 109B inserted by [2024 c. 13 Sch. 13 para. 16](#)
- Sch. 6A para. 1A inserted by S.I. 2019/93, reg. 29A(2) (as inserted) by [S.I. 2019/1245 reg. 7](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 6A Pt. 3 inserted by S.I. 2019/93, reg. 29A(4) (as inserted) by [S.I. 2019/1245 reg. 7](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 8A para. 15(1) Sch. 8A para. 15 renumbered as Sch. 8A para. 15(1) by [2024 c. 13 s. 126\(2\)\(a\)\(i\)](#)
- Sch. 8A para. 7(2A) inserted by [2024 c. 13 s. 116\(6\)\(a\)](#)
- Sch. 8A para. 15(2) inserted by [2024 c. 13 s. 126\(2\)\(a\)\(iii\)](#)
- Sch. 8A para. 19(6A) inserted by [2024 c. 13 Sch. 3 para. 8\(8\)](#)
- Sch. 8A para. 42(1)(a)(b) substituted for words by [2024 c. 13 Sch. 3 para. 8\(11\)](#)
- Sch. 8A para. 15(1) word substituted by [2024 c. 13 s. 126\(2\)\(a\)\(ii\)](#)