

Status: Point in time view as at 01/10/2004.

Changes to legislation: Competition Act 1998, SCHEDULE 10 is up to date with all changes known to be in force on or before 06 August 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)

SCHEDULES

SCHEDULE 10

Sections 54 and 66(5).

REGULATORS

PART I

MONOPOLIES

F1₁

Textual Amendments

F1 Sch. 10 para. 1 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

PART II

THE PROHIBITIONS

Telecommunications

2 F2(1)

F2(2)

F2(3)

F2(4)

F2(5)

F2(6)

F3(7)

F4(8)

F5(9)

F6(10)

Textual Amendments

F2 Sch. 10 para. 2(1)-(6) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) Note 1 (with Sch. 18); S.I. 2003/1900,

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	arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
F3	Sch. 10 para. 2(7) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)
F4	Sch. 10 para. 2(8) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) Note 1 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
F5	Sch. 10 para. 2(9) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) Note 1 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
F6	Sch. 10 para. 2(10) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)
Commencement Information	
II	Sch. 10 para. 2 wholly in force; Sch. 10 para. 2 not in force at Royal Assent see s. 76(3); Sch. 10 para. 2 in force for certain purposes at 26.11.1998 by S.I. 1998/2750, art. 2; Sch. 10 para. 2 fully in force at 1.3.2000 by S.I. 2000/344, art. 2, Sch.

Gas

- 3 (1) In consequence of the repeal by this Act of provisions of the ^{M1}Competition Act 1980, the functions transferred by subsection (3) of section 36A of the ^{M2}Gas Act 1986 (functions with respect to competition) are no longer exercisable by the Director General of Gas Supply.
- (2) Accordingly, that Act is amended as follows.
- ^{F7}(3)
- (4) Section 36A is amended as follows.
- (5) For subsection (3) substitute—
- “(3) The Director shall be entitled to exercise, concurrently with the Director General of Fair Trading, the functions of that Director under the provisions of Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51), so far as relating to—
- (a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act, or
- (b) conduct of the kind mentioned in section 18(1) of that Act,
- which relate to the carrying on of activities to which this subsection applies.
- (3A) So far as necessary for the purposes of, or in connection with, the provisions of subsection (3) above, references in Part I of the Competition Act 1998 to the Director General of Fair Trading are to be read as including a reference to the Director (except in sections 38(1) to (6), 51, 52(6) and (8) and 54 of that Act and in any other provision of that Act where the context otherwise requires).”
- ^{F8}(6)
- (7) In subsection (6), omit “or (3)”.

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(8) In subsection (7), for paragraph (b) substitute—

“(b) Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51),”.

^{F9}(9)

^{F9}(10)

^{F9}(11)

Textual Amendments

F7 Sch. 10 para. 3(3) repealed (1.10.2001) by 2000 c. 27, ss. 108, **Sch. 8**; S.I. 2001/3266, art. 2, **Sch.** (subject to arts. 3-20)

F8 Sch. 10 para. 3(6) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), **Sch.** (with art. 8)

F9 Sch. 10 para. 3(9)-(11) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), **Sch.** (with art. 8)

Commencement Information

I2 Sch. 10 para. 3 wholly in force; Sch. 10 para. 3 not in force at Royal Assent see s. 76(3); Sch. 10 para. 3 in force for certain purposes at 26.11.1998 by S.I. 1998/2750, **art. 2**; Sch. 10 para. 3 fully in force at 1.3.2000 by S.I. 2000/344, art. 2, **Sch.**

Marginal Citations

M1 1980 c. 21.

M2 1986 c. 44.

Electricity

4 (1) In consequence of the repeal by this Act of provisions of the ^{M3}Competition Act 1980, the functions transferred by subsection (3) of section 43 of the ^{M4}Electricity Act 1989 (functions with respect to competition) are no longer exercisable by the Director General of Electricity Supply.

(2) Accordingly, that Act is amended as follows.

^{F10}(3)

(4) Section 43 is amended as follows.

(5) For subsection (3) substitute—

“(3) The Director shall be entitled to exercise, concurrently with the Director General of Fair Trading, the functions of that Director under the provisions of Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51), so far as relating to—

(a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act, or

(b) conduct of the kind mentioned in section 18(1) of that Act,

which relate to commercial activities connected with the generation, transmission or supply of electricity.

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(3A) So far as necessary for the purposes of, or in connection with, the provisions of subsection (3) above, references in Part I of the Competition Act 1998 to the Director General of Fair Trading are to be read as including a reference to the Director (except in sections 38(1) to (6), 51, 52(6) and (8) and 54 of that Act and in any other provision of that Act where the context otherwise requires).”

^{F11}(6)

(7) In subsection (5), omit “or (3)”.

(8) In subsection (6), for paragraph (b) substitute—

“(b) Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51),”.

^{F12}(9)

Textual Amendments

F10 Sch. 10 para. 4(3) repealed (1.10.2001) by 2000 c. 27, s. 108, **Sch. 8**; S.I. 2001/3266, art. 2, **Sch.** (subject to arts. 3-20)

F11 Sch. 10 para. 4(6) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), **Sch.** (with art. 8)

F12 Sch. 10 para. 4(9) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), **Sch.** (with art. 8)

Commencement Information

I3 Sch. 10 para. 4 wholly in force; Sch. 10 para. 4 not in force at Royal Assent see s. 76(3); Sch. 10 para. 4 in force for certain purposes at 26.11.1998 by S.I. 1998/2750, art. 2; Sch. 10 para. 4 fully in force at 1.3.2000 by S.I. 2000/344, art. 2, **Sch.**

Marginal Citations

M3 1980 c. 21.

M4 1989 c. 29.

Water

5 (1) In consequence of the repeal by this Act of provisions of the ^{M5}Competition Act 1980, the functions exercisable by virtue of subsection (3) of section 31 of the ^{M6}Water Industry Act 1991 (functions of Director with respect to competition) are no longer exercisable by the Director General of Water Services.

(2) Accordingly, that Act is amended as follows.

(3) In section 2 (general duties with respect to water industry), in subsection (6)(a), at the beginning, insert “ subject to subsection (6A) below ”.

(4) In section 2, after subsection (6), insert—

“(6A) Subsections (2) to (4) above do not apply in relation to anything done by the Director in the exercise of functions assigned to him by section 31(3) below (“Competition Act functions”).

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(6B) The Director may nevertheless, when exercising any Competition Act function, have regard to any matter in respect of which a duty is imposed by any of subsections (2) to (4) above, if it is a matter to which the Director General of Fair Trading could have regard when exercising that function.”

(5) Section 31 is amended as follows.

(6) For subsection (3) substitute—

“(3) The Director shall be entitled to exercise, concurrently with the Director General of Fair Trading, the functions of that Director under the provisions of Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51), so far as relating to—

(a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act, or

(b) conduct of the kind mentioned in section 18(1) of that Act,

which relate to commercial activities connected with the supply of water or securing a supply of water or with the provision or securing of sewerage services.”

^{F13}(7)

(8) After subsection (4), insert—

“(4A) So far as necessary for the purposes of, or in connection with, the provisions of subsection (3) above, references in Part I of the Competition Act 1998 to the Director General of Fair Trading are to be read as including a reference to the Director (except in sections 38(1) to (6), 51, 52(6) and (8) and 54 of that Act and in any other provision of that Act where the context otherwise requires).”

^{F14}(9)

^{F14}(10)

(11) In subsection (7), omit “or (3)”.

(12) In subsection (8), for paragraph (b) substitute—

“(b) Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51),”.

^{F15}(13)

Textual Amendments

F13 Sch. 10 para. 5(7) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

F14 Sch. 10 para. 5(9)(10) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

F15 Sch. 10 para. 5(13) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

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Commencement Information

I4 Sch. 10 para. 5 wholly in force; Sch. 10 para. 5 not in force at Royal Assent see s. 76(3); Sch. 10 para. 5 in force for certain purposes at 26.11.1998 by S.I. 1998/2750, **art. 2**; S.I. 2000/344, **art. 2**, **Sch.**

Marginal Citations

M5 1980 c. 21.

M6 1991 c. 56.

Railways

- 6 (1) In consequence of the repeal by this Act of provisions of the ^{M7}Competition Act 1980, the functions transferred by subsection (3) of section 67 of the ^{M8}Railways Act 1993 (respective functions of the Regulator and the Director etc) are no longer exercisable by the Rail Regulator.
- (2) Accordingly, that Act is amended as follows.
- (3) In section 4 (general duties of the Secretary of State and the Regulator), after subsection (7), insert—
- “(7A) Subsections (1) to (6) above do not apply in relation to anything done by the Regulator in the exercise of functions assigned to him by section 67(3) below (“Competition Act functions”).
- (7B) The Regulator may nevertheless, when exercising any Competition Act function, have regard to any matter in respect of which a duty is imposed by any of subsections (1) to (6) above, if it is a matter to which the Director General of Fair Trading could have regard when exercising that function.”
- (4) Section 67 is amended as follows.
- (5) For subsection (3) substitute—
- “(3) The Regulator shall be entitled to exercise, concurrently with the Director, the functions of the Director under the provisions of Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51), so far as relating to—
- (a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act, or
- (b) conduct of the kind mentioned in section 18(1) of that Act, which relate to the supply of railway services.
- (3A) So far as necessary for the purposes of, or in connection with, the provisions of subsection (3) above, references in Part I of the Competition Act 1998 to the Director are to be read as including a reference to the Regulator (except in sections 38(1) to (6), 51, 52(6) and (8) and 54 of that Act and in any other provision of that Act where the context otherwise requires).”
- ^{F16}(6)
- (7) In subsection (6)(a), omit “or (3)”.
- (8) In subsection (8), for paragraph (b) substitute—
- “(b) Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51),”.

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^{F17}(9)

Textual Amendments

F16 Sch. 10 para. 6(6) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 26](#); S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

F17 Sch. 10 para. 6(9) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 26](#); S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

Commencement Information

I5 Sch. 10 para. 6 wholly in force; Sch. 10 para. 6 not in force at Royal Assent see s. 76(3); Sch. 10 para. 6 in force for certain purposes at 26.11.1998 by [S.I. 1998/2750, art. 2](#); Sch. 10 para. 6 fully in force at 1.3.2000 by [S.I. 2000/344, art. 2, Sch.](#)

Marginal Citations

M7 1980 c. 21.

M8 1993 c. 43.

PART III

THE PROHIBITIONS: NORTHERN IRELAND

Electricity

- 7 (1) In consequence of the repeal by this Act of provisions of the ^{M9}Competition Act 1980, the functions transferred by paragraph (3) of Article 46 of the ^{M10}Electricity (Northern Ireland) Order 1992 (functions with respect to competition) are no longer exercisable by the Director General of Electricity Supply for Northern Ireland.
- (2) Accordingly, that Order is amended as follows.
- (3) [^{F18}In Article 6 (general duties of the Director), after paragraph (2), add—
- “(3) Paragraph (1) does not apply in relation to anything done by the Director in the exercise of functions assigned to him by Article 46(3) (“Competition Act functions”).
- (4) The Director may nevertheless, when exercising any Competition Act function, have regard to any matter in respect of which a duty is imposed by paragraph (1) (“a general matter”), if it is a matter to which the Director General of Fair Trading could have regard when exercising that function; but that is not to be taken as implying that, in the exercise of any function mentioned in Article 4(7) or paragraph (2), regard may not be had to any general matter.”]
- (4) Article 46 is amended as follows.
- (5) For paragraph (3) substitute—
- “(3) The Director shall be entitled to exercise, concurrently with the Director General of Fair Trading, the functions of that Director under the provisions

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of Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51), so far as relating to—

(a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act, or

(b) conduct of the kind mentioned in section 18(1) of that Act,

which relate to commercial activities connected with the generation, transmission or supply of electricity.

(3A) So far as necessary for the purposes of, or in connection with, the provisions of paragraph (3), references in Part I of the Competition Act 1998 to the Director General of Fair Trading are to be read as including a reference to the Director (except in sections 38(1) to (6), 51, 52(6) and (8) and 54 of that Act and in any other provision of that Act where the context otherwise requires).”

^{F19}(6)

(7) In paragraph (5), omit “or (3)”.

(8) In paragraph (6), for sub-paragraph (b) substitute—

“(b) Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51),”.

^{F20}(9)

Textual Amendments

F18 Sch. 10 para. 7(3) repealed (N.I.) (1.4.2003) by [The Energy \(Northern Ireland\) Order 2003 \(S.I. 2003/419\)](#), art. 1(2), [Sch. 5](#); [S.R. 2003/203](#), art. 2, Sch.

F19 Sch. 10 para. 7(6) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); [S.I. 2003/1397](#), art. 2(1), Sch. (with art. 8)

F20 Sch. 10 para. 7(9) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); [S.I. 2003/1397](#), art. 2(1), Sch. (with art. 8)

Commencement Information

I6 Sch. 10 para. 7 wholly in force; Sch. 10 para. 7 not in force at Royal Assent see s. 76(3); Sch. 10 para. 7 in force for certain purposes at 26.11.1998 by [S.I. 1998/2750](#), art. 2; Sch. 10 para. 7 fully in force at 1.3.2000 by [S.I. 2000/344](#), art. 2, [Sch.](#)

Marginal Citations

M9 1980 c. 21.

M10 [S.I. 1992/231 \(N.I. 1\)](#).

Gas

8 (1) In consequence of the repeal by this Act of provisions of the ^{M11}Competition Act 1980, the functions transferred by paragraph (3) of Article 23 of the ^{M12}Gas (Northern Ireland) Order 1996 (functions with respect to competition) are no longer exercisable by the Director General of Gas for Northern Ireland.

(2) Accordingly, that Order is amended as follows.

(3) [^{F21}In Article 5 (general duties of the Department and Director), after paragraph (4), insert—

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“(4A) Paragraphs (2) to (4) do not apply in relation to anything done by the Director in the exercise of functions assigned to him by Article 23(3) (“Competition Act functions”).

(4B) The Director may nevertheless, when exercising any Competition Act function, have regard to any matter in respect of which a duty is imposed by any of paragraphs (2) to (4), if it is a matter to which the Director General of Fair Trading could have regard when exercising that function.”]

(4) Article 23 is amended as follows.

(5) For paragraph (3) substitute—

“(3) The Director shall be entitled to exercise, concurrently with the Director General of Fair Trading, the functions of that Director under the provisions of Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51), so far as relating to—

(a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act, or

(b) conduct of the kind mentioned in section 18(1) of that Act, connected with the conveyance, storage or supply of gas.

(3A) So far as necessary for the purposes of, or in connection with, the provisions of paragraph (3), references in Part I of the Competition Act 1998 to the Director General of Fair Trading are to be read as including a reference to the Director (except in sections 38(1) to (6), 51, 52(6) and (8) and 54 of that Act and in any other provision of that Act where the context otherwise requires).”

F22(6)

(7) In paragraph (5), omit “or (3)”.

(8) In paragraph (6), for sub-paragraph (b) substitute—

“(b) Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51),”.

F23(9)

F23(10)

F23(11)

Textual Amendments

F21 Sch. 10 para. 8(3) repealed (N.I.) (1.4.2003) by [The Energy \(Northern Ireland\) Order 2003 \(S.I. 2003/419\)](#), art. 1(2), [Sch. 5](#); S.R. 2003/203, art. 2, Sch.

F22 Sch. 10 para. 8(6) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

F23 Sch. 10 para. 8(9)-(11) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

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Commencement Information

I7 Sch. 10 para. 8 wholly in force; Sch. 10 para. 8 not in force at Royal Assent see s. 76(3); Sch. 10 para. 8 in force for certain purposes at 26.11.1998 by S.I. 1998/2750, **art. 2**; Sch. 10 para. 8 fully in force at 1.3.2000 by S.I. 2000/344, **art. 2**, **Sch.**

Marginal Citations

M11 1980 c. 21.
M12 S.I. 1996/275 (N.I. 2).

PART IV

UTILITIES: MINOR AND CONSEQUENTIAL AMENDMENTS

The Telecommunications Act 1984 (c.12)

- 9 (1) The Telecommunications Act 1984 is amended as follows.
- F24(2)
- F24(3)
- F24(4)
- F25(5)
- F26(6)
- (7) In section 101(3) (general restrictions on disclosure of information)—
- (a) omit paragraphs (d) and (e) (which refer to the Restrictive Trade Practices Act 1976 and the ^{M13}Resale Prices Act 1976);
- (b) after paragraph (m), insert—
- “(n) the Competition Act 1998”.
- (8) At the end of section 101, insert—
- “(6) Information obtained by the Director in the exercise of functions which are exercisable concurrently with the Director General of Fair Trading under Part I of the Competition Act 1998 is subject to sections 55 and 56 of that Act (disclosure) and not to subsections (1) to (5) of this section.”

Textual Amendments

- F24** Sch. 10 para. 9(2)-(4) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by **Communications Act 2003 (c. 21)**, s. 411(2), **Sch. 19(1)** Note 1 (with **Sch. 18**); S.I. 2003/1900, arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), **Sch. 1** (with art. 11)
- F25** Sch. 10 para. 9(5) repealed (20.6.2003) by **Enterprise Act 2002 (c. 40)**, s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), **Sch.** (with art. 8)
- F26** Sch. 10 para. 9(6) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by **Communications Act 2003 (c. 21)**, s. 411(2), **Sch. 19(1)** Note 1 (with **Sch. 18**); S.I. 2003/1900, arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), **Sch. 1** (with art. 11)

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Commencement Information

I8 Sch. 10 para. 9 wholly in force; Sch. 10 para. 9 not in force at Royal Assent see s. 76(3); Sch. 10 para. 9 in force for certain purposes at 26.11.1998 by [S.I. 1998/2750](#), [art. 2](#); Sch. 10 para. 9(7)(b) in force at 11.1.1999 by [S.I. 1998/3166](#), [art. 2](#), [Sch.](#); Sch. 10 para. 9(1)(2)(5) in force at 1.4.1999 by [S.I. 1999/505](#), [art. 2](#), [Sch. 2](#); Sch. 10 para. 9(3)(4)(6)(7)(a) and (8) in force at 1.3.2000 by [S.I. 2000/344](#), [art. 2](#), [Sch.](#)

Marginal Citations

M13 1976 c. 53.

The Gas Act 1986 (c.44)

10 (1) The Gas Act 1986 is amended as follows.

^{F27}(2)

(3) In section 25, omit subsection (2) (which falls with the repeal of the ^{M14}Restrictive Trade Practices Act 1976).

^{F28}(4)

(5) In section 28 (orders for securing compliance with certain provisions), in subsection (5), after paragraph (aa), omit “or” and after paragraph (b), insert “or
(c) that the most appropriate way of proceeding is under the Competition Act 1998.”

(6) In section 42(3) (general restrictions on disclosure of information)—

(a) omit paragraphs (e) and (f) (which refer to the Restrictive Trade Practices Act 1976 and the ^{M15}Resale Prices Act 1976);

(b) after paragraph (n), insert—
“(o) the Competition Act 1998”.

(7) At the end of section 42, insert—

“(7) Information obtained by the Director in the exercise of functions which are exercisable concurrently with the Director General of Fair Trading under Part I of the Competition Act 1998 is subject to sections 55 and 56 of that Act (disclosure) and not to subsections (1) to (6) of this section.”

Textual Amendments

F27 Sch. 10 para. 10(2) repealed (20.6.2003) by [The Enterprise Act 2002 \(Consequential and Supplemental Provisions\) Order 2003 \(S.I. 2003/1398\)](#), [art. 1](#), [Sch. para. 32\(2\)](#)

F28 Sch. 10 para. 10(4) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); [S.I. 2003/1397](#), [art. 2\(1\)](#), [Sch.](#) (with [art. 8](#))

Commencement Information

I9 Sch. 10 para. 10 wholly in force; Sch. 10 para. 10 not in force at Royal Assent see s. 76(3); Sch. 10 para. 10 in force for certain purposes at 26.11.1998 by [S.I. 1998/2750](#), [art. 2](#); Sch. 10 para. 10(6)(b) in force at 11.1.1999 by [S.I. 1998/3166](#), [art. 2](#), [Sch.](#); Sch. 10 para. 10(1)(2) in force at 1.4.1999 by [S.I. 1999/505](#), [art. 2](#), [Sch. 2](#); Sch. 10 para. 10 (3)-(5)(6)(a) and (7) in force at 1.3.2000 by [S.I. 2000/344](#), [art. 2](#), [Sch.](#)

Status: Point in time view as at 01/10/2004.

Changes to legislation: Competition Act 1998, SCHEDULE 10 is up to date with all changes known to be in force on or before 06 August 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)

Marginal Citations

M14 1976 c. 34.

M15 1976 c. 53.

The Water Act 1989 (c.15)

- 11 In section 174(3) of the Water Act 1989 (general restrictions on disclosure of information)—
- (a) omit paragraphs (d) and (e) (which refer to the Restrictive Trade Practices Act 1976 and the Resale Prices Act 1976);
 - (b) after paragraph (l), insert—

“(ll) the Competition Act 1998”.

Commencement Information

I10 Sch. 10 para. 11 wholly in force; Sch. 10 para. 11 not in force at Royal Assent see s. 76(3); Sch. 10 para. 11(b) in force at 11.1.1999 by [S.I. 1998/3166, art. 2, Sch.](#); Sch. 10 para. 11(a) in force at 1.3.2000 by [S.I. 2000/344, art. 2, Sch.](#)

The Electricity Act 1989 (c.29)

- 12 (1) The Electricity Act 1989 is amended as follows.
- (2) In section 12 (modification references to Competition Commission), for subsections (8) and (9) substitute—
- “(8) The provisions mentioned in subsection (8A) are to apply in relation to references under this section as if—
- (a) the functions of the Competition Commission in relation to those references were functions under the 1973 Act;
 - (b) the expression “merger reference” included a reference under this section;
 - (c) in section 70 of the 1973 Act—
 - (i) references to the Secretary of State were references to the Director, and
 - (ii) the reference to three months were a reference to six months.
- (8A) The provisions are—
- (a) sections 70 (time limit for report on merger) and 85 (attendance of witnesses and production of documents) of the 1973 Act;
 - (b) Part II of Schedule 7 to the Competition Act 1998 (performance of the Competition Commission’s general functions); and
 - (c) section 24 of the 1980 Act (modification of provisions about performance of such functions).
- (9) For the purposes of references under this section, the Secretary of State is to appoint not less than eight members of the Competition Commission.
- (9A) In selecting a group to perform the Commission’s functions in relation to any such reference, the chairman of the Commission must select up to three of the members appointed under subsection (9) to be members of the group.”

Status: Point in time view as at 01/10/2004.

Changes to legislation: Competition Act 1998, SCHEDULE 10 is up to date with all changes known to be in force on or before 06 August 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)

- (3) In section 13, omit subsection (2) (which falls with the repeal of the ^{M16}Restrictive Trade Practices Act 1976).
- ^{F29}(4)
- (5) In section 25 (orders for securing compliance), in subsection (5), after paragraph (b), omit “or” and after paragraph (c), insert “or
- (d) that the most appropriate way of proceeding is under the Competition Act 1998.”
- ^{F30}(6)
- (7) In section 57(3) (general restrictions on disclosure of information)—
- (a) omit paragraphs (d) and (e) (which refer to the ^{M17}Restrictive Trade Practices Act 1976 and the ^{M18}Resale Prices Act 1976);
- (b) after paragraph (no), insert—
- “(nop) the Competition Act 1998”.
- (8) At the end of section 57, insert—
- “(7) Information obtained by the Director in the exercise of functions which are exercisable concurrently with the Director General of Fair Trading under Part I of the Competition Act 1998 is subject to sections 55 and 56 of that Act (disclosure) and not to subsections (1) to (6) of this section.”

Textual Amendments

- F29** Sch. 10 para. 12(4) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)
- F30** Sch. 10 para. 12(6) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

Commencement Information

- I11** Sch. 10 para. 12 wholly in force; Sch. 10 para. 12 not in force at Royal Assent see s. 76(3); Sch. 10 para. 12(7)(b) in force at 11.1.1999 by [S.I. 1998/3166](#), art. 2, **Sch.**; Sch. 10 para. 12(1)(2)(6) in force at 1.4.1999 by [S.I. 1999/505](#), art. 2, **Sch. 2**; Sch. 10 para. 12 (3)-(5)(7)(a) and (8) in force at 1.3.2000 by [S.I. 2000/344](#), art. 2, **Sch.**

Marginal Citations

- M16** 1976 c. 34.
M17 1976 c. 34.
M18 1976 c. 53.

The Water Industry Act 1991 (c.56)

- 13 (1) The Water Industry Act 1991 is amended as follows.

- ^{F31}(2)
- ^{F31}(3)

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- (4) In section 15, omit subsection (2) (which falls with the repeal of the Restrictive Trade Practices Act 1976).
- (5) In section 17 (modification by order under other enactments)—
- (a) in subsection (1), omit paragraph (b) and the “or” immediately before it;
 - (b) in subsection (2)—
 - (i) after paragraph (a), insert “ or ”;
 - (ii) omit paragraph (c) and the “or” immediately before it;
 - (c) in subsection (4), omit “or the 1980 Act”.
- (6) In section 19 (exceptions to duty to enforce), after subsection (1), insert—
- “(1A) The Director shall not be required to make an enforcement order, or to confirm a provisional enforcement order, if he is satisfied that the most appropriate way of proceeding is under the Competition Act 1998.”
- (7) In section 19(3), after “subsection (1) above”, insert “ or, in the case of the Director, is satisfied as mentioned in subsection (1A) above, ”.
- ^{F32}(8)
- (9) After section 206(9) (restriction on disclosure of information), insert—
- “(9A) Information obtained by the Director in the exercise of functions which are exercisable concurrently with the Director General of Fair Trading under Part I of the Competition Act 1998 is subject to sections 55 and 56 of that Act (disclosure) and not to subsections (1) to (9) of this section.”
- (10) In Schedule 15 (disclosure of information), in Part II (enactments in respect of which disclosure may be made)—
- (a) omit the entries relating to the ^{M19}Restrictive Trade Practices Act 1976 and the ^{M20}Resale Prices Act 1976;
 - (b) after the entry relating to the ^{M21}Railways Act 1993, insert the entry— “ The Competition Act 1998 ”.

Textual Amendments

- F31** Sch. 10 para. 13(2)(3) repealed (1.4.2004 for specified purposes, 1.10.2004 in so far as not already in force) by [Water Act 2003 \(c. 37\)](#), s. 105(3), [Sch. 7 para. 32\(4\)\(b\)](#), [Sch. 9 Pt. 3](#); S.I. 2004/641, art. 3(y) (z), [Sch. 2](#); S.I. 2004/2528, art. 2(t)(ii)(u)
- F32** Sch. 10 para. 13(8) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); S.I. 2003/1397, art. 2(1), [Sch.](#) (with art. 8)

Commencement Information

- I12** Sch. 10 para. 13 wholly in force; Sch. 10 para. 13 not in force at Royal Assent see s. 76(3); Sch. 10 para. 13(10)(b) in force at 11.1.1999 by S.I. 1998/3166, art. 2, [Sch.](#); Sch. 10 para. 13(1)(3)(8) in force at 1.4.1999 by S.I. 1999/505, art. 2, [Sch. 2](#); Sch. 10 para. 13 (2)(4)-(7)(9) and (10)(a) in force at 1.3.2000 by S.I. 2000/344, art. 2, [Sch.](#)

Marginal Citations

- M19** 1976 c. 34.
M20 1976 c. 53.

Status: Point in time view as at 01/10/2004.

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M21 1993 c. 43.

The Water Resources Act 1991 (c.57)

- 14 In Schedule 24 to the Water Resources Act 1991 (disclosure of information), in Part II (enactments in respect of which disclosure may be made)—
- (a) omit the entries relating to the Restrictive Trade Practices Act 1976 and the Resale Prices Act 1976;
 - (b) after the entry relating to the ^{M22}Coal Industry Act 1994, insert the entry—
“ The Competition Act 1998 ”.

Commencement Information

I13 Sch. 10 para. 14 wholly in force; Sch. 10 para. 14 not in force at Royal Assent see s. 76(3); Sch. 10 para. 14(b) in force at 11.1.1999 by [S.I. 1998/3166](#), [art. 2](#), [Sch.](#); Sch. 10 para. 14(a) in force at 1.3.2000 by [S.I. 2000/344](#), [art. 2](#), [Sch.](#)

Marginal Citations

M22 1994 c. 21.

The Railways Act 1993 (c.43)

- 15 (1) The Railways Act 1993 is amended as follows.
- ^{F33}(2)
 - (3) In section 14, omit subsection (2) (which falls with the repeal of the ^{M23}Restrictive Trade Practices Act 1976).
 - ^{F34}(4)
 - (5) In section 22, after subsection (6), insert—
 - “(6A) Neither the Director General of Fair Trading nor the Regulator may exercise, in respect of an access agreement, the powers given by section 32 (enforcement directions) or section 35(2) (interim directions) of the Competition Act 1998.
 - (6B) Subsection (6A) does not apply to the exercise of the powers given by section 35(2) in respect of conduct—
 - (a) which is connected with an access agreement; and
 - (b) in respect of which section 35(1)(b) of that Act applies.”
 - (6) In section 55 (orders for securing compliance), after subsection (5), insert—
 - “(5A) The Regulator shall not make a final order, or make or confirm a provisional order, in relation to a licence holder or person under closure restrictions if he is satisfied that the most appropriate way of proceeding is under the Competition Act 1998.”
 - (7) In section 55—
 - ^{F35}(a)

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- (b) in subsection (11), for “subsection (10)” substitute “ subsections (5A) and (10) ”.
- (8) Omit section 131 (modification of Restrictive Trade Practices Act 1976).
- (9) In section 145(3) (general restrictions on disclosure of information)—
- (a) omit paragraphs (d) and (e) (which refer to the ^{M24}Restrictive Trade Practices Act 1976 and the ^{M25}Resale Prices Act 1976);
- (b) after paragraph (q), insert—
 “(qq) the Competition Act 1998.”
- (10) After section 145(6), insert—
 “(6A) Information obtained by the Regulator in the exercise of functions which are exercisable concurrently with the Director General of Fair Trading under Part I of the Competition Act 1998 is subject to sections 55 and 56 of that Act (disclosure) and not to subsections (1) to (6) of this section.”

Textual Amendments

- F33** Sch. 10 para. 15(2) repealed (20.6.2003) by [The Enterprise Act 2002 \(Consequential and Supplemental Provisions\) Order 2003 \(S.I. 2003/1398\)](#), art. 1, [Sch. para. 32\(2\)](#)
- F34** Sch. 10 para. 15(4) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); [S.I. 2003/1397](#), art. 2(1), [Sch. \(with art. 8\)](#)
- F35** Sch. 10 para. 15(7)(a) repealed (1.2.2001) by [2000 c. 38](#), s. 274, [Sch. 31 Pt. IV](#); [S.I. 2001/57](#), art 3(1), [Sch. 2 Pt. I](#)

Commencement Information

- I14** Sch. 10 para. 15 wholly in force; Sch. 10 para. 15 not in force at Royal Assent see s. 76(3); Sch. 10 para. 15(9)(b) in force at 11.1.1999 by [S.I. 1998/3166](#), art. 2, [Sch.](#); Sch. 10 para. 15(1)(2) in force at 1.4.1999 by [S.I. 1999/505](#), art. 2, [Sch. 2](#); Sch. 10 para. 15(3)-(8), (9)(a) and (10) in force at 1.3.2000 by [S.I. 2000/344](#), art. 2, [Sch.](#)

Marginal Citations

- M23** 1976 c. 34.
M24 1976 c. 34.
M25 1976 c. 53.

The Channel Tunnel Rail Link Act 1996 (c.61)

- 16 (1) The Channel Tunnel Rail Link Act 1996 is amended as follows.
- (2) In section 21 (duties as to exercise of regulatory functions), in subsection (6), at the end of the paragraph about regulatory functions, insert “other than any functions assigned to him by virtue of section 67(3) of that Act (“Competition Act functions”).
- (7) The Regulator may, when exercising any Competition Act function, have regard to any matter to which he would have regard if—
- (a) he were under the duty imposed by subsection (1) or (2) above in relation to that function; and
- (b) the matter is one to which the Director General of Fair Trading could have regard if he were exercising that function.”

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- (3) In section 22 (restriction of functions in relation to competition etc.), for subsection (3) substitute—

“(3) The Rail Regulator shall not be entitled to exercise any functions assigned to him by section 67(3) of the ^{M26}Railways Act 1993 (by virtue of which he exercises concurrently with the Director General of Fair Trading certain functions under Part I of the Competition Act 1998 so far as relating to matters connected with the supply of railway services) in relation to—

- (a) any agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act that have been entered into or taken by, or
- (b) any conduct of the kind mentioned in section 18(1) of that Act that has been engaged in by,

a rail link undertaker in connection with the supply of railway services, so far as relating to the rail link.”

Marginal Citations

M26 1993 c. 43.

PART V

MINOR AND CONSEQUENTIAL AMENDMENTS: NORTHERN IRELAND

The Electricity (Northern Ireland) Order 1992

- 17 (1) The ^{M27}Electricity (Northern Ireland) Order 1992 is amended as follows.
- (2) In Article 15 (modification references to Competition Commission), for paragraphs (8) and (9) substitute—
- “(8) The provisions mentioned in paragraph (8A) are to apply in relation to references under this Article as if—
- (a) the functions of the Competition Commission in relation to those references were functions under the 1973 Act;
 - (b) “merger reference” included a reference under this Article;
 - (c) in section 70 of the 1973 Act—
 - (i) references to the Secretary of State were references to the Director, and
 - (ii) the reference to three months were a reference to six months.
- (8A) The provisions are—
- (a) sections 70 (time limit for report on merger) and 85 (attendance of witnesses and production of documents) of the 1973 Act;
 - (b) Part II of Schedule 7 to the Competition Act 1998 (performance of the Competition Commission’s general functions); and
 - (c) section 24 of the 1980 Act (modification of provisions about performance of such functions).

Status: Point in time view as at 01/10/2004.

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- (9) The Secretary of State may appoint members of the Competition Commission for the purposes of references under this Article.
- (9A) In selecting a group to perform the Commission’s functions in relation to any such reference, the chairman of the Commission must select up to three of the members appointed under paragraph (9) to be members of the group.”
- (3) In Article 16, omit paragraph (2) (which falls with the repeal of the ^{M28}Restrictive Trade Practices Act 1976).
- (4) In Article 18 (modification by order under other statutory provisions)—
- (a) in paragraph (1), omit sub-paragraph (b) and the “or” immediately before it;
 - (b) in paragraph (2)—
 - (i) after sub-paragraph (a), insert “ or ”;
 - (ii) omit sub-paragraph (c) and the “or” immediately before it;
 - (c) in paragraph (3), omit “or the 1980 Act”.
- (5) [^{F36}In Article 28 (orders for securing compliance), in paragraph (5), after sub-paragraph (b), omit “or” and after sub-paragraph (c), insert
- (d) that the most appropriate way of proceeding is under the Competition Act 1998.”]

^{F37}(6)

(7) [^{F38}In Article 61(3) (general restrictions on disclosure of information)—

 - (a) omit sub-paragraphs (f) and (g) (which refer to the Restrictive Trade Practices Act 1976 and the ^{M29}Resale Prices Act 1976);
 - (b) after sub-paragraph (t), add—

“(u) the Competition Act 1998”.]

(8) [^{F38}At the end of Article 61, insert—

“(7) Information obtained by the Director in the exercise of functions which are exercisable concurrently with the Director General of Fair Trading under Part I of the Competition Act 1998 is subject to sections 55 and 56 of that Act (disclosure) and not to paragraphs (1) to (6).”]

(9) In Schedule 12, omit paragraph 16 (which amends the ^{M30}Restrictive Trade Practices Act 1976).

Textual Amendments

- F36** Sch. 10 para. 17(5) repealed (N.I.) (1.4.2003) by [The Energy \(Northern Ireland\) Order 2003 \(S.I. 2003/419\)](#), art. 1(2), [Sch. 5](#); [S.R. 2003/203](#), art. 2, [Sch.](#)
- F37** Sch. 10 para. 17(6) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); [S.I. 2003/1397](#), art. 2(1), [Sch.](#) (with art. 8)
- F38** Sch. 10 para. 17(7)(8) repealed (N.I.) (1.4.2003) by [The Energy \(Northern Ireland\) Order 2003 \(S.I. 2003/419\)](#), art. 1(2), [Sch. 5](#); [S.R. 2003/203](#), art. 2, [Sch.](#)

Commencement Information

- I15** Sch. 10 para. 17 partly in force; Sch. 10 para. 17 not in force at Royal Assent see s. 76(3); Sch. 10 para. 17(7)(b) in force at 11.1.1999 by [S.I. 1998/3166](#), art. 2, [Sch.](#); Sch. 10 para. 17(1)(2)(6) in force at

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1.4.1999 by S.I. 1999/505, art. 2, **Sch. 2**; Sch. 10 para. 17(3)-(5)(7)(a)(8) and (9) in force at 1.3.2000 by S.I. 2000/344, art. 2, **Sch.**

Marginal Citations

- M27** S.I. 1992/231 (N.I. 1).
M28 1976 c. 34.
M29 1976 c. 53.
M30 1976 c. 34.

The Gas (Northern Ireland) Order 1996

- 18 (1) The ^{M31}Gas (Northern Ireland) Order 1996 is amended as follows.
- ^{F39}(2)
- (3) In Article 16, omit paragraph (2) (which falls with the repeal of the Restrictive Trade Practices Act 1976).
- (4) In Article 18 (modification by order under other statutory provisions)—
- (a) in paragraph (1), omit sub-paragraph (b) and the “or” immediately before it;
 - (b) in paragraph (3)—
 - (i) after sub-paragraph (a), insert “ or ”;
 - (ii) omit sub-paragraph (c) and the “or” immediately before it;
 - (c) in paragraph (5), omit “or the 1980 Act”.
- (5) [^{F40}In Article 19 (orders for securing compliance), in paragraph (5), after sub-paragraph (b), omit “or” and after sub-paragraph (c), insert
- (d) that the most appropriate way of proceeding is under the Competition Act 1998.”]

(6) [^{F40}In Article 44(4) (general restrictions on disclosure of information)—

 - (a) omit sub-paragraphs (f) and (g) (which refer to the Restrictive Trade Practices Act 1976 and the ^{M32}Resale Prices Act 1976);
 - (b) after sub-paragraph (u), add—
 - “(v) the Competition Act 1998”.]

(7) [^{F41}At the end of Article 44, insert—

 - “(8) Information obtained by the Director in the exercise of functions which are exercisable concurrently with the Director General of Fair Trading under Part I of the Competition Act 1998 is subject to sections 55 and 56 of that Act (disclosure) and not to paragraphs (1) to (7).”]

Textual Amendments

- F39** Sch. 10 para. 18(2) repealed (20.6.2003) by [The Enterprise Act 2002 \(Consequential and Supplemental Provisions\) Order 2003 \(S.I. 2003/1398\)](#), art. 1, **Sch. para. 32(2)**
- F40** Sch. 10 para. 18(5)(6) repealed (N.I.) (1.4.2003) by [The Energy \(Northern Ireland\) Order 2003 \(S.I. 2003/419\)](#), art. 1(2), **Sch. 5**; S.R. 2003/203, art. 2, Sch.
- F41** Sch. 10 para. 18(7) repealed (N.I.) (1.4.2003) by [The Energy \(Northern Ireland\) Order 2003 \(S.I. 2003/419\)](#), art. 1(2), **Sch. 5**; S.R. 2003/203, art. 2, Sch.

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Commencement Information

I16 Sch. 10 para. 18 partly in force; Sch. 10 para. 18 not in force at Royal Assent see s. 76(3); Sch. 10 para. 18(6)(b) in force at 11.1.1999 by [S.I. 1998/3166](#), [art. 2](#), [Sch.](#); Sch. 10 para. 18(1)(2) in force at 1.4.1999 by [S.I. 1999/505](#), [art. 2](#), [Sch. 2](#); Sch. 10 para. 18(3)-(5)(6)(a) and (7) in force at 1.3.2000 by [S.I. 2000/344](#), [art. 2](#), [Sch.](#)

Marginal Citations

M31 [S.I. 1996/275](#) (N.I. 2).

M32 1976 c. 53.

Status:

Point in time view as at 01/10/2004.

Changes to legislation:

Competition Act 1998, SCHEDULE 10 is up to date with all changes known to be in force on or before 06 August 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.