

*Status: Point in time view as at 01/04/2014.*

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## SCHEDULES

### [<sup>F1</sup>SCHEDULE 6A

Section 31A

### COMMITMENTS

#### Textual Amendments

- F1** Sch. 6A inserted (1.5.2004) by [The Competition Act 1998 and Other Enactments \(Amendment\) Regulations 2004 \(S.I. 2004/1261\)](#), reg. 1(a), [Sch. 1 para. 52](#)

### PART 1

#### PROCEDURAL REQUIREMENTS FOR THE ACCEPTANCE AND VARIATION OF COMMITMENTS

1. Paragraph 2 applies where the [<sup>F2</sup>CMA] proposes to—
  - (a) accept any commitments under section 31A; or
  - (b) accept any variation of such commitments other than a variation which is not material in any respect.

#### Textual Amendments

- F2** Word in [Sch. 6A para. 1](#) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 56\(2\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

2. (1) Before accepting the commitments or variation, the [<sup>F3</sup>CMA] must—
  - (a) give notice under this paragraph; and
  - (b) consider any representations made in accordance with the notice and not withdrawn.
- (2) A notice under this paragraph must state—
  - (a) that the [<sup>F4</sup>CMA] proposes to accept the commitments or variation;
  - (b) the purpose of the commitments or variation and the way in which the commitments or variation would meet the [<sup>F5</sup>CMA's] competition concerns;
  - (c) any other facts which the [<sup>F4</sup>CMA] considers are relevant to the acceptance or variation of the commitments; and
  - (d) the period within which representations may be made in relation to the proposed commitments or variation.
- (3) The period stated for the purposes of sub-paragraph (2)(d) must be at least 11 working days starting with the date the notice is given or, if that date is not a working day, with the date of the first working day after that date.

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#### Textual Amendments

- F3** Word in Sch. 6A para. 2(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 5 para. 56(3)(a) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Word in Sch. 6A para. 2(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 5 para. 56(3)(b)(i) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Word in Sch. 6A para. 2(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 5 para. 56(3)(b)(ii) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

3. (1) The [<sup>F6</sup>CMA] must not accept the commitments or variation of which notice has been given under paragraph 2(1) with modifications unless it—
- gives notice under this paragraph of the proposed modifications; and
  - considers any representations made in accordance with the notice and not withdrawn.
- (2) A notice under this paragraph must state—
- the proposed modifications;
  - the reasons for them; and
  - the period within which representations may be made in relation to the proposed modifications.
- (3) The period stated for the purposes of sub-paragraph (2)(c) must be at least 6 working days starting with the date the notice is given or, if that date is not a working day, with the date of the first working day after that date.

#### Textual Amendments

- F6** Word in Sch. 6A para. 3(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 5 para. 56(4) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

4. If, after giving notice under paragraph 2 or 3 the [<sup>F7</sup>CMA] decides—
- not to accept the commitments or variation concerned, and
  - not to proceed by virtue of paragraph 5 or 6,
- the [<sup>F7</sup>CMA] must give notice that it has so decided.

#### Textual Amendments

- F7** Word in Sch. 6A para. 4 substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 5 para. 56(5) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

5. The requirements of paragraph 3 shall not apply if the [<sup>F8</sup>CMA] —
- has already given notice under paragraph 2 but not under paragraph 3; and
  - considers that the modifications which are now being proposed are not material in any respect.

#### Textual Amendments

- F8** Word in Sch. 6A para. 5 substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 5 para. 56(6) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

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6. The requirements of paragraph 3 shall not apply if the [F<sup>9</sup>CMA] —
- (a) has already given notices under paragraphs 2 and 3; and
  - (b) considers that the further modifications which are now being proposed are not material in any respect or do not differ in any material respect from the modifications in relation to which notice was last given under paragraph 3.

**Textual Amendments**

**F9** Word in Sch. 6A para. 6 substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 5 para. 56(7) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

7. As soon as practicable after accepting commitments or a variation under section 31A the [F<sup>10</sup>CMA] must publish the commitments or the variation in such manner as the [F<sup>10</sup>CMA] considers appropriate.

**Textual Amendments**

**F10** Word in Sch. 6A para. 7 substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 5 para. 56(8) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

8. A notice under paragraph 2 or 3 shall be given by—
- (a) sending a copy of the notice to such person or persons as the [F<sup>11</sup>CMA] considers appropriate for the purpose of bringing the matter to which it relates to the attention of those likely to be affected by it; or
  - (b) publishing the notice in such manner as the [F<sup>11</sup>CMA] considers appropriate for the purpose of bringing the matter to which it relates to the attention of those likely to be affected by it.

**Textual Amendments**

**F11** Word in Sch. 6A para. 8 substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 5 para. 56(9) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

## PART 2

### PROCEDURAL REQUIREMENTS FOR THE RELEASE OF COMMITMENTS

10. Paragraph 11 applies where the [F<sup>12</sup>CMA] proposes to release any commitments under section 31A.

**Textual Amendments**

**F12** Word in Sch. 6A para. 10 substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 5 para. 56(10) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

11. (1) Before releasing the commitments, the [F<sup>13</sup>CMA] must—
- (a) give notice under this paragraph;

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- (b) send a copy of the notice to the person (or persons) who gave the commitments; and
  - (c) consider any representations made in accordance with the notice and not withdrawn.
- (2) A notice under this paragraph must state—
- (a) the fact that a release is proposed;
  - (b) the reasons for it; and
  - (c) the period within which representations may be made in relation to the proposed release.
- (3) The period stated for the purposes of sub-paragraph (2)(c) must be at least 11 working days starting with the date the notice is given or, if that date is not a working day, with the date of the first working day after that date.

#### Textual Amendments

**F13** Word in [Sch. 6A para. 11\(1\)](#) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 56\(11\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

12. If after giving notice under paragraph 11 the [<sup>F14</sup>CMA] decides not to proceed with the release, it must—
- (a) give notice that it has so decided; and
  - (b) send a copy of the notice to the person (or persons) who gave the commitments.

#### Textual Amendments

**F14** Word in [Sch. 6A para. 12](#) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 56\(12\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

13. As soon as practicable after releasing the commitments, the [<sup>F15</sup>CMA] must—
- (a) publish the release in such manner as it considers appropriate; and
  - (b) send a copy of the release to the person (or persons) who gave the commitments.

#### Textual Amendments

**F15** Word in [Sch. 6A para. 13](#) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 56\(13\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

14. A notice under paragraph 11 or 12 shall be given by—
- (a) sending a copy of the notice to such other person or persons as the [<sup>F16</sup>CMA] considers appropriate for the purpose of bringing the matter to which it relates to the attention of those likely to be affected by it; or
  - (b) publishing the notice in such manner as the [<sup>F16</sup>CMA] considers appropriate for the purpose of bringing the matter to which it relates to the attention of those likely to be affected by it.]

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**Textual Amendments**

**F16** Word in [Sch. 6A para. 14](#) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 56\(14\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

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