

SCHEDULE 1

Rule 7(1)

“Order 122

THE COMPETITION ACT 1998

Interpretation

1. In this Order—

“the Act” means the Competition Act 1998(1);

“Director” means the Director General of Fair Trading or any regulator having concurrent functions as provided by sections 54(1) and (2) of the Act;

“Respondent” means the occupier of the premises to which the warrant relates; and

expressions used have the same meaning as in the Act.

Exercise of jurisdiction

2. The jurisdiction of the court under section 28, 62 or 63 of the Act may be exercised by a judge in chambers.

Application for a warrant

3.—(1) An application for a warrant under section 28, 62 or 63 of the Act may be made ex-parte by originating summons.

(2) An originating summons under paragraph (1) shall be entitled in the matter of the respondent, naming him, and in the matter of the Act.

(3) An application under paragraph (1) shall be supported by an affidavit which shall state—

- (a) that a warrant is sought and the section of the Act under which it is sought;
- (b) the address or other identification of the premises to which the warrant relates and the connection between the Respondent and those premises;
- (c) the details of any other possible occupants of those premises;
- (d) the subject matter and purpose of the investigation to which the warrant relates, including the nature of the suspected infringement of the Chapter I or II prohibitions or of Articles 81 or 82 of the Treaty establishing the European Community;
- (e) the anticipated date for the execution of the warrant;
- (f) the name of the officer(s) of the Director who will execute the warrant and whose name will appear on the warrant;
- (g) whether the named officer(s) of the Director will be accompanied by authorised officers of the European Commission;
- (h) the position held by the named officer(s) of the Director; and

shall be accompanied by a draft of the warrant being sought.

(4) A copy of the authorisation containing the names of the named officer(s) of the Director shall be annexed to the affidavit.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) Unless the court otherwise directs, an affidavit for the purposes of this rule may contain statements of information or belief with the sources and grounds thereof.

(6) The summons, affidavit and draft warrant shall be lodged with the Court not less than two clear days before the date fixed for hearing of the summons.

(7) A warrant issued under section 28 of the Act shall be in Form No. 69.

(8) A warrant issued under section 62 of the Act shall be in Form No. 70.

(9) A warrant issued under section 63 of the Act shall be in Form No. 71.”