
DRAFT STATUTORY INSTRUMENTS

2004 No.

**The Competition Act 1998 and Other
Enactments (Amendment) Regulations 2004**

Savings and consequential provision

8.—(1) This regulation applies where, before the appointed day, the OFT has made a decision falling within paragraph (c), (d) or (e) of section 46(3), or has made a decision falling within paragraph (f) of section 46(3) in relation to an individual exemption.

(2) This regulation also applies where, on or after the appointed day, the OFT (by virtue of regulation 6) makes under section 5 of the 1998 Act a decision falling within paragraph (d)(i) or (ii) or (f) of section 46(3).

(3) Where this regulation applies—

- (a) sections 46 and 47 of and Schedule 8 to the 1998 Act shall have effect in relation to the decision in question without the amendments made by these Regulations; and
- (b) on an appeal in respect of that decision, the powers under paragraph 3(2) of Schedule 8 to that Act are not affected by the repeal by these Regulations of section 4 or 5 of this Act; but this does not allow the Competition Appeal Tribunal, on or after the appointed day, to extend the individual exemption.

(4) In this regulation—

- (a) references to section 46(3) are to section 46(3) of the 1998 Act as that subsection had effect before the appointed day; and
- (b) “individual exemption” has the same meaning as in regulation 6.