



# Competition Act 1980

## 1980 CHAPTER 21

### *Further references and investigations*

#### **12 Orders following report under section 11.**

- (1) This section applies where a report of the [<sup>F1</sup>CMA] on a reference under section 11 above concludes that the person specified in the reference is pursuing a course of conduct which operates against the public interest.
- (2) If it appears to the Secretary of State that any other Minister has functions directly relating to the person specified in the reference or, in the case of a reference only concerning the activities of the person in a part of the United Kingdom, functions directly relating to the person in respect of his activities in that part, he shall send a copy of the report of the [<sup>F1</sup>CMA] on the reference to that Minister; and in subsection (3) below “the relevant Minister” means—
  - (a) in a case where it appears to the Secretary of State that any Minister (including himself) has such functions, that Minister, and
  - (b) in a case where it appears to the Secretary of State that no Minister has such functions, the Secretary of State.
- (3) If—
  - (a) the relevant Minister considers it appropriate for the purpose of remedying or preventing what he considers are the adverse effects of the course of conduct specified in the report of the [<sup>F1</sup>CMA] as operating against the public interest, and
  - (b) the person specified in the reference does not fall within paragraph (d) of section 11(3) above and is not a subsidiary of a body falling within that paragraph,

he may by order direct the person to prepare within such time, if any, as may be specified in the order a plan for remedying or preventing such of those effects as are so specified; but where there is more than one relevant Minister no such order shall be made except by all the relevant Ministers acting jointly and where none of the relevant Ministers is the Secretary of State no such order shall be made except after consultation with him.

---

*Changes to legislation: There are currently no known outstanding effects for the Competition Act 1980, Section 12. (See end of Document for details)*

---

- (4) It shall be the duty of a person to whom a direction is given under subsection (3) above to prepare such a plan as is mentioned in that subsection and to send a copy of that plan to the Minister or Ministers by whom the order containing the direction was made who shall lay it before Parliament; and, in a case where the plan involves the use by a body of its powers in relation to any subsidiary within the meaning of [<sup>F2</sup>section 1159 of the Companies Act 2006], the plan shall specify the manner in which the body proposes using those powers.
- (5) Whether or not an order has been or may be made under subsection (3) above, the Secretary of State may, if he considers it appropriate for the purpose of remedying or preventing what he considers are the adverse effects of the course of conduct specified in the report of the [<sup>F3</sup>CMA] as operating against the public interest, [<sup>F4</sup>make an order under this subsection].
- [<sup>F5</sup>(5A) An order under subsection (5) above may contain anything permitted by Schedule 8 to the Enterprise Act 2002, except paragraphs 8, 13 and 14 of that Schedule.
- (5B) An order under subsection (5) above shall come into force at such time as is determined by or under the order.]
- [<sup>F6</sup>(6) The following provisions of Part 3 of the Enterprise Act 2002 shall apply in relation to orders under subsection (5) above as they apply in relation to orders under paragraph 11 of Schedule 7 to that Act—
- (a) section 86(2) and (3) (enforcement orders: general provisions);
  - (b) section 87 (delegated power of directions);
  - (c) section 88 (contents of certain enforcement orders);
  - (d) section 94(1) to (5), (8) and (9) (rights to enforce orders); and
  - (e) Schedule 10 (procedural requirements for orders).
- (7) The Secretary of State shall publish any decision made by him to dispense with the requirements of Schedule 10 to the Enterprise Act 2002 as applied by subsection (6) above; and shall do so in such manner as he considers most suitable for bringing the decision to the attention of persons who in his opinion would be affected by it or be likely to have an interest in it.]

#### Textual Amendments

- F1** Words in s. 12(1)-(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 5](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in s. 12(4) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 42\(b\)](#) (with art. 10)
- F3** Word in s. 12(5) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 5](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Words in s. 12(5) substituted (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 10\(4\)\(a\)](#); S.I. 2003/1397, art. 2(1), Sch. (with art. 8)
- F5** S. 12(5A)(5B) inserted (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 10\(4\)\(b\)](#); S.I. 2003/1397, art. 2(1), Sch. (with art. 8)
- F6** S. 12(6)(7) substituted for s. 12(6) (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 10\(4\)\(c\)](#); S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

---

*Changes to legislation: There are currently no known outstanding effects for the Competition Act 1980, Section 12. (See end of Document for details)*

---

**Modifications etc. (not altering text)**

- C1** S. 12(5A) modified by 1988 c. 48, Sch 2A para. 17(2) (as substituted (20.6.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 18\(5\)\(a\)](#); S.I. 2003/1397, art. 2(1), Sch.)
- C2** S. 12(5A) modified by 1988 c. 48, s. 238(2) (as substituted (20.6.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 18\(4\)](#); S.I. 2003/1397, art. 2(1), Sch. (with art. 8))
- C3** S. 12(5A) modified by Copyright, Designs and Patents Act 1988 (c. 48), ss. 144(2), 238(2), Sch 2A para. 17(2) (as substituted (20.6.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 paras. 18\(2\)\(4\)\(5\)\(a\)](#); S.I. 2003/1397, art. 2(1), Sch. (with art. 8))
- C4** S. 12(5) amended by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\), ss. 144\(2\), 238\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Competition Act 1980, Section 12.