



# Competition Act 1998

## CHAPTER 41

### COMPETITION ACT 1998

#### PART I

#### COMPETITION

#### CHAPTER I

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##### *The prohibition*

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*Status: Point in time view as at 10/03/2013.*

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###### *Enterprises ceasing to be distinct: the Chapter I prohibition*

- 1 (1) To the extent to which an agreement (either on...

###### *Enterprises ceasing to be distinct: the Chapter II prohibition*

- 2 (1) To the extent to which conduct (either on its...

###### *Transfer of a newspaper or of newspaper assets*

- 3 (1) The Chapter I prohibition does not apply to an...

###### *Withdrawal of the paragraph 1 exclusion*

- 4 (1) The exclusion provided by paragraph 1 does not apply...

###### *Protected agreements*

- 5 An agreement is a protected agreement for the purposes of...  
Part II — CONCENTRATIONS SUBJECT TO EC CONTROLS
- 6 (1) To the extent to which an agreement (either on...

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###### *The Financial Services Act 1986 (c.60)*

- 1 (1) The Financial Services Act 1986 is amended as follows....  
Part II — COMPANIES

###### *The Companies Act 1989 (c.40)*

- 2 (1) The Companies Act 1989 is amended as follows.

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*The Companies (Northern Ireland) Order 1990 (S.I. 1990/593 (N.I. 5))*

3 . . . . .

Part III — BROADCASTING

*The Broadcasting Act 1990 (c.42)*

4 (1) The Broadcasting Act 1990 is amended as follows.

*Networking arrangements under the Broadcasting Act 1990 (c.42)*

5 (1) The Chapter I prohibition does not apply in respect...

Part IV — ENVIRONMENTAL PROTECTION

*Producer responsibility obligations*

6 (1) The Environment Act 1995 is amended as follows.

SCHEDULE 3 — General Exclusions

*Planning obligations*

1 (1) The Chapter I prohibition does not apply to an...

*Section 21(2) agreements*

2 (1) The Chapter I prohibition does not apply to an...

*EEA Regulated Markets*

3 (1) The Chapter I prohibition does not apply to an...

*Services of general economic interest etc.*

4 Neither the Chapter I prohibition nor the Chapter II prohibition...

*Compliance with legal requirements*

5 (1) The Chapter I prohibition does not apply to an...

*Avoidance of conflict with international obligations*

6 (1) If the Secretary of State is satisfied that, in...

*Public policy*

7 (1) If the Secretary of State is satisfied that there...

*Coal and steel*

8 (1) The Chapter I prohibition does not apply to an...

*Agricultural products*

9 (1) The Chapter I prohibition does not apply to an...

SCHEDULE 4 — Professional Rules

Part I — EXCLUSION

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*General*

1 Professional Rules

*Designated rules*

2 Professional Rules

*Application for designation*

3 Professional Rules

*Alterations*

4 Professional Rules

*Reviewing the list*

5 Professional Rules

*Removal from the list*

6 Professional Rules

*Inspection*

7 Professional Rules

Part II — PROFESSIONAL SERVICES

*Legal*

8 Professional Rules

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9 Professional Rules

*Dental*

10 Professional Rules

*Ophthalmic*

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13 Professional Rules

*Midwifery*

14 Professional Rules

*Physiotherapy*

15 Professional Rules

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*Chiropody*

16 Professional Rules

*Architectural*

17 Professional Rules

*Accounting and auditing*

18 Professional Rules

*Insolvency*

19 Professional Rules

*Patent agency*

20 Professional Rules

21 Professional Rules

*Parliamentary agency*

22 Professional Rules

*Surveying*

23 Professional Rules

*Engineering and technology et ceteralaetc.*

24 Professional Rules

*Educational*

25 Professional Rules

*Religious*

26 Professional Rules

SCHEDULE 5 — Notification under Chapter I: Procedure

*Terms used*

1 In this Schedule— “ applicant ” means the person making...

*General rules about applications*

2 (1) An application must be made in accordance with rules....

*Preliminary investigation*

3 (1) If, after a preliminary investigation of an application, the...

*Procedure on application for guidance*

4 When determining an application for guidance, the OFT must follow...



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*Procedure on application for a decision*

5 (1) When determining an application for a decision, the OFT...

*Publication of decisions*

6 If the OFT determines an application for a decision it...

*Delay by the OFT*

7 (1) This paragraph applies if the court is satisfied, on...

SCHEDULE 6 — Notification under Chapter II: Procedure

*Terms used*

1 In this Schedule— “ applicant ” means the person making...

*General rules about applications*

2 (1) An application must be made in accordance with rules....

*Preliminary investigation*

3 (1) If, after a preliminary investigation of an application, the...

*Procedure on application for guidance*

4 When determining an application for guidance, the OFT must follow...

*Procedure on application for a decision*

5 (1) When determining an application for a decision, the OFT...

*Publication of decisions*

6 If the OFT determines an application for a decision it...

*Delay by the OFT*

7 (1) This paragraph applies if the court is satisfied, on...

SCHEDULE 6A — COMMITMENTS

PART 1 — PROCEDURAL REQUIREMENTS FOR THE ACCEPTANCE  
AND VARIATION OF COMMITMENTS

1 Paragraph 2 applies where the OFT proposes to—

2 (1) Before accepting the commitments or variation, the OFT must—...

3 (1) The OFT must not accept the commitments or variation...

4 If, after giving notice under paragraph 2 or 3 the...

5 The requirements of paragraph 3 shall not apply if the...

6 The requirements of paragraph 3 shall not apply if the...

7 As soon as practicable after accepting commitments or a variation...

8 A notice under paragraph 2 or 3 shall be given...

PART 2 — PROCEDURAL REQUIREMENTS FOR THE RELEASE OF  
COMMITMENTS

10 Paragraph 11 applies where the OFT proposes to release any...

11 (1) Before releasing the commitments, the OFT must—

12 If after giving notice under paragraph 11 the OFT decides...

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- 13 As soon as practicable after releasing the commitments, the OFT...  
14 A notice under paragraph 11 or 12 shall be given...

SCHEDULE 7 — The Competition Commission  
Part I — GENERAL

*Interpretation*

- 1 In this Schedule— “the 1973 Act” means the Fair Trading...

*Membership of the Commission*

- 2 (1) The Commission is to consist of—

*Chairman and deputy chairmen*

- 3 (1) The Commission is to have a chairman appointed by...

*President*

- 4 The Competition Commission

*The Council*

- 5 (1) The Commission is to have a management board to...

*Term of office*

- 6 (1) Subject to the provisions of this Schedule, each member...

*Expenses, remuneration and pensions*

- 7 (1) The Secretary of State shall pay to the Commission...

*The Commission’s powers*

- 7A The Commission may publish advice and information in relation to...  
8 Subject to the provisions of this Schedule, the Commission has...

*Staff*

- 9 (1) The Commission is to have a secretary, appointed by...

*Procedure*

- 10 Subject to any provision made by or under this Act,...

*Application of seal and proof of instruments*

- 11 (1) The application of the seal of the Commission must...

*Accounts*

- 12 (1) The Commission must— (a) keep proper accounts and proper...

*Annual reports*

- 12A (1) The Commission shall make to the Secretary of State...

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*Status*

- 13 (1) The Commission is not to be regarded as the...  
Part II — PERFORMANCE OF THE COMMISSION’S GENERAL FUNCTIONS

*Interpretation*

- 14 In this Part of this Schedule “group” means a group...

*Discharge of certain functions by groups*

- 15 (1) Except where sub-paragraph (7) or (8) gives the Chairman...

*Chairmen of groups*

- 16 The Chairman must appoint one of the members of a...

*Replacement of member of group*

- 17 (1) If, during the proceedings of a group—

*Attendance of other members*

- 18 (1) At the invitation of the chairman of a group,...

*Procedure*

- 19 (1) Subject to any special or general directions given by...  
19A (1) The Chairman must make rules of procedure in relation...

*Effect of exercise of functions by group*

- 20 (1) Subject to sub-paragraph (2) sub-paragraphs (2) to (9), anything...

*Casting votes*

- 21 The chairman of a group is to have a casting...

*Newspaper merger references*

- 22 There are to be members of the Commission appointed by...  
Part III — APPEALS

*Interpretation*

- 23 The Competition Commission

*Training of appeal panel members*

- 24 The Competition Commission

*Acting President*

- 25 The Competition Commission

*Panel of tribunal chairmen*

- 26 The Competition Commission

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### *Constitution of tribunals*

- 27 The Competition Commission  
Part IV — MISCELLANEOUS

#### *Disqualification of members for House of Commons*

- 28 In Part II of Schedule 1 to the House of...

#### *Disqualification of members for Northern Ireland Assembly*

- 29 In Part II of Schedule 1 to the Northern Ireland...  
Part V — TRANSITIONAL PROVISIONS

### *Interpretation*

- 30 In this Part of this Schedule— “commencement date” means the...

#### *Chairman*

- 31 (1) The person who is Chairman of the MMC immediately...

#### *Deputy chairmen*

- 32 The persons who are deputy chairmen of the MMC immediately...

#### *Reporting panel members*

- 33 (1) The persons who are members of the MMC immediately...

#### *Specialist panel members*

- 34 (1) The persons who are members of the MMC immediately...

#### *Secretary*

- 35 The person who is the secretary of the MMC immediately...

#### *Council*

- 36 (1) The members who become deputy chairmen of the Commission...

### SCHEDULE 7A — the competition commission: procedural rules for mergers and market references etc.

- 1 In this Schedule— “ market investigation ” means an investigation...
- 2 Rules may make provision— (a) for particular stages of a...
- 3 Rules made by virtue of paragraph 2(a) and (b) may,...
- 4 Rules made by virtue of paragraph 2(c) may, in particular,...
- 5 Rules may make provision as to the quorum of relevant...
- 6 Rules may make provision— (a) as to the extent (if...
- 7 Rules may make provision for— (a) the notification or publication...

### SCHEDULE 8 — Appeals Part I — GENERAL

#### *Interpretation*

- 1 Appeals

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*General procedure*

2 (1) An appeal to the Tribunal under section 46 or...

*Decisions of the tribunal*

3 (A1) This paragraph applies to any appeal under section 46...

3A (1) This paragraph applies to— (a) any appeal under section...

4 Appeals

Part II — RULES

*Registrar of Appeal Tribunals*

5 Appeals

*Notice of appeal*

6 Appeals

*Response to the appeal*

7 Appeals

*Pre-hearing reviews and preliminary matters*

8 Appeals

*Conduct of the hearing*

9 Appeals

*Interest*

10 Appeals

*Fees*

11 Appeals

*Withdrawing an appeal*

12 Appeals

*Interim orders*

13 Appeals

*Miscellaneous*

14 Appeals

SCHEDULE 9 — OFT's Rules

*General*

1 In this Schedule “rules” means rules made by the OFT...

*Applications*

2 Rules may make provision— (a) as to the form and...

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*Provisional decisions*

3 Rules may make provision as to the procedure to be...

*Guidance*

4 Rules may make provision as to— (a) the form and...

*Decisions*

5 (1) Rules may make provision as to—

*Individual exemptions*

6 Rules may make provision as to— (a) the procedure to...

7 Rules may make provision as to— (a) the form and...

*Block exemptions*

8 Rules may make provision as to— (a) the procedure to...

*Parallel exemptions*

9 Rules may make provision as to— (a) the circumstances in...

*Section 11 exemptions*

10 Rules may, with respect to any exemption provided by regulations...

*Directions withdrawing exclusions*

11 Rules may make provision as to the factors which the...

*Disclosure of information*

12 (1) Rules may make provision as to the circumstances in...

*Applications under section 47*

13 Rules may make provision as to— (a) the period within...

*Enforcement*

14 Rules may make provision as to the procedure to be...

SCHEDULE 10 — Regulators

Part I — MONOPOLIES

1 The amendments of the Fair Trading Act 1973 made by...

Part II — THE PROHIBITIONS

*Telecommunications*

2 (1) In consequence of the repeal by this Act of...

*Gas*

3 (1) In consequence of the repeal by this Act of...

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*Electricity*

- 4 (1) In consequence of the repeal by this Act of...

*Water*

- 5 (1) In consequence of the repeal by this Act of...

*Railways*

- 6 (1) In consequence of the repeal by this Act of...  
Part III — THE PROHIBITIONS: NORTHERN IRELAND

*Electricity*

- 7 (1) In consequence of the repeal by this Act of...

*Gas*

- 8 (1) In consequence of the repeal by this Act of...  
Part IV — UTILITIES: MINOR AND CONSEQUENTIAL AMENDMENTS

*The Telecommunications Act 1984 (c.12)*

- 9 (1) The Telecommunications Act 1984 is amended as follows.

*The Gas Act 1986 (c.44)*

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

*The Water Act 1989 (c.15)*

- 11 In section 174(3) of the Water Act 1989 (general restrictions...

*The Electricity Act 1989 (c.29)*

- 12 (1) The Electricity Act 1989 is amended as follows.

*The Water Industry Act 1991 (c.56)*

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

*The Water Resources Act 1991 (c.57)*

- 14 In Schedule 24 to the Water Resources Act 1991 (disclosure...

*The Railways Act 1993 (c.43)*

- 15 (1) The Railways Act 1993 is amended as follows.

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

- 16 (1) The Channel Tunnel Rail Link Act 1996 is amended...  
Part V — MINOR AND CONSEQUENTIAL AMENDMENTS: NORTHERN  
IRELAND

*The Electricity (Northern Ireland) Order 1992*

- 17 (1) The Electricity (Northern Ireland) Order 1992 is amended as...

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*The Gas (Northern Ireland) Order 1996*

18 (1) The Gas (Northern Ireland) Order 1996 is amended as...

SCHEDULE 11 — Interpretation of Section 55

*Relevant functions*

1 Interpretation of Section 55

*Designated persons*

2 Interpretation of Section 55

SCHEDULE 12 — Minor and Consequential Amendments

*The Fair Trading Act 1973 (c.41)*

1 (1) The Fair Trading Act 1973 is amended as follows....

*The Energy Act 1976 (c.76)*

2 In the Energy Act 1976, omit section 5 (temporary relief...

*The Estate Agents Act 1979 (c.38)*

3 In section 10(3) of the Estate Agents Act 1979 (restriction...

*The Competition Act 1980 (c.21)*

4 (1) The Competition Act 1980 is amended as follows.

*Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))*

5 In Schedule 6 to the Magistrates' Courts (Northern Ireland) Order...

*Agricultural Marketing (Northern Ireland) Order 1982 (S.I. 1982/1080 (N.I. 12))*

6 In Schedule 8 to the Agricultural Marketing (Northern Ireland) Order...

*The Airports Act 1986 (c.31)*

7 (1) The Airports Act 1986 is amended as follows.

*The Financial Services Act 1986 (c.60)*

8 In Schedule 11 to the Financial Services Act 1986, in...

*The Companies Consolidation (Consequential Provisions)  
(Northern Ireland) Order 1986 (S.I. 1986/1035 (N.I. 9))*

9 In Part II of Schedule 1 to the Companies Consolidation...

*The Consumer Protection Act 1987 (c.43)*

10 In section 38(3) of the Consumer Protection Act 1987 (restrictions...

*The Channel Tunnel Act 1987 (c.53)*

11 In section 33 of the Channel Tunnel Act 1987—



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*The Road Traffic (Consequential Provisions) Act 1988 (c.54)*

12 In Schedule 3 to the Road Traffic (Consequential Provisions) Act...

*The Companies Act 1989 (c.40)*

13 In Schedule 20 to the Companies Act 1989 (amendments about...

*The Broadcasting Act 1990 (c.42)*

14 . . . . .

*The Tribunals and Inquiries Act 1992 (c.53)*

15 In Schedule 1 to the Tribunals and Inquiries Act 1992...

*The Osteopaths Act 1993 (c.21)*

16 Section 33 of the Osteopaths Act 1993 (competition and anti-competitive...

*The Chiropractors Act 1994 (c.17)*

17 Section 33 of the Chiropractors Act 1994 (competition and anti-competitive...

*The Coal Industry Act 1994 (c.21)*

18 In section 59(4) of the Coal Industry Act 1994 (information...

*The Deregulation and Contracting Out Act 1994 (c.40)*

19 (1) The Deregulation and Contracting Out Act 1994 is amended...

*The Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1))*

20 (1) The Airports (Northern Ireland) Order 1994 is amended as...

*The Broadcasting Act 1996 (c.55)*

21 In section 77 of the Broadcasting Act 1996 (which modifies...

SCHEDULE 13 — Transitional Provisions and Savings

Part I — GENERAL

*Interpretation*

1 (1) In this Schedule— “RPA” means the Resale Prices Act...

*General power to make transitional provision and savings*

2 (1) Nothing in this Schedule affects the power of the...

*Advice and information*

3 (1) The Director may publish advice and information explaining provisions...

Part II — DURING THE INTERIM PERIOD

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*Block exemptions*

- 4 (1) The Secretary of State may, at any time during...

*Certain agreements to be non-notifiable agreements*

- 5 An agreement which— (a) is made during the interim period,...

*Application of RTPA during the interim period*

- 6 In relation to agreements made during the interim period—

*Guidance*

- 7 (1) Sub-paragraphs (2) to (4) apply in relation to agreements...  
Part III — ON THE STARTING DATE

*Applications which fall*

- 8 (1) Proceedings in respect of an application which is made...

*Orders and approvals which fall*

- 9 (1) An order in force immediately before the starting date...  
Part IV — ON AND AFTER THE STARTING DATE

**CHAPTER I**

GENERAL

*Duty of Director to maintain register etc.*

- 10 (1) This paragraph applies even though the relevant provisions of...

*RTPA section 3 applications*

- 11 (1) Even though section 3 of the RTPA is repealed...

*RTPA section 26 applications*

- 12 (1) Even though section 26 of the RTPA is repealed...

*Right to bring civil proceedings*

- 13 (1) Even though section 35 of the RTPA is repealed...

**CHAPTER II**

CONTINUING PROCEEDINGS

*The general rule*

- 14 (1) The Chapter I prohibition does not apply to an...

*Meaning of “continuing proceedings”*

- 15 (1) For the purposes of this Schedule “continuing proceedings” means...

*Status: Point in time view as at 10/03/2013.*

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*RTPA section 4 proceedings*

- 16 Proceedings on an application for an order under section 4...

*RPA section 16 or 17 proceedings*

- 17 Proceedings on an application for an order under section 16...

*Continuing proceedings which are discontinued*

- 18 (1) On an application made jointly to the Court by...

**CHAPTER III**

THE TRANSITIONAL PERIOD

*The general rule*

- 19 (1) Except where this Chapter or Chapter IV provides otherwise,...

*Cases for which there is no transitional period*

- 20 (1) There is no transitional period for an agreement to...

*Continuing proceedings under the RTPA*

- 21 In the case of an agreement which is the subject...

*Continuing proceedings under the RPA*

- 22 (1) In the case of an agreement relating to goods...

*Provisions not contrary to public interest*

- 23 (1) To the extent to which an agreement contains provisions...

*Goods*

- 24 (1) In the case of an agreement relating to goods...

*Transitional period for certain agreements*

- 25 (1) This paragraph applies to agreements— (a) which are subject...

*Special cases*

- 26 (1) In the case of an agreement in respect of...

**CHAPTER IV**

THE UTILITIES

*General*

- 27 In this Chapter “the relevant period” means the period beginning...

*Electricity*

- 28 (1) For an agreement to which, immediately before the starting...

*Status: Point in time view as at 10/03/2013.*

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*Electricity: power to make transitional orders*

- 29 (1) There is a transitional period for an agreement (whether...

*Gas*

- 30 (1) For an agreement to which, immediately before the starting...

*Gas: power to make transitional orders*

- 31 (1) There is a transitional period for an agreement of...

*Gas: Northern Ireland*

- 32 (1) For an agreement to which, immediately before the starting...

*Gas: Northern Ireland – power to make transitional orders*

- 33 (1) There is a transitional period for an agreement of...

*Railways*

- 34 (1) In this paragraph— “section 131” means section 131 of...

*The regulators*

- 35 (1) Subject to sub-paragraph (3), each of the regulators may...

**CHAPTER V**

EXTENDING THE TRANSITIONAL PERIOD

- 36 (1) A party to an agreement for which there is...

**CHAPTER VI**

TERMINATING THE TRANSITIONAL PERIOD

*General*

- 37 (1) Subject to sub-paragraph (2), the Director may by a...

*Circumstances in which the Director may terminate the transitional period*

- 38 (1) If the Director is considering whether to give a...

*Procedural requirements on giving a paragraph 37 direction*

- 39 (1) The Director must specify in a direction under paragraph...  
Part V — THE FAIR TRADING ACT 1973

*References to the Monopolies and Mergers Commission*

- 40 (1) If, on the date on which the repeal by...

*Orders under Schedule 8*

- 41 (1) In this paragraph— “the 1973 Act” means the Fair...

*Status: Point in time view as at 10/03/2013.*

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*Part III of the Act*

- 42 (1) The repeals made by section 1 do not affect...  
Part VI — THE COMPETITION ACT 1980

*Undertakings*

- 43 (1) Subject to sub-paragraph (2), an undertaking accepted by the...

*Application of sections 25 and 26*

- 44 The repeals made by section 1 do not affect—  
Part VII — MISCELLANEOUS

*Disclosure of information*

- 45 (1) Section 55 of this Act applies in relation to...

*The Court*

- 46 If it appears to the Lord Chancellor that a person...

SCHEDULE 14 — Repeals and Revocations

Part I — REPEALS

Part II — REVOCATIONS

**Status:**

Point in time view as at 10/03/2013.

**Changes to legislation:**

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