



Competition Act 1998

CHAPTER 41

COMPETITION ACT 1998

PART I

COMPETITION

CHAPTER I

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- 65 Offences.
- 65A Privileged communications: Article 22(2) inspections
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SCHEDULE 1 — Exclusions: Mergers and Concentrations

Part I — MERGERS

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...

SCHEDULE 2 — Exclusions: Other Competition Scrutiny

Part I — FINANCIAL SERVICES

...

- 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.

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...

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Producer responsibility obligations

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

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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...

...

3

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...

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

SCHEDULE 4 — Professional Rules

Part I — EXCLUSION

General

1 Professional Rules

Designated rules

2 Professional Rules

Application for designation

3 Professional Rules

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Alterations

4 Professional Rules

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5 Professional Rules

Removal from the list

6 Professional Rules

Inspection

7 Professional Rules
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8 Professional Rules

Medical

9 Professional Rules

Dental

10 Professional Rules

Ophthalmic

11 Professional Rules

Veterinary

12 Professional Rules

Nursing

13 Professional Rules

Midwifery

14 Professional Rules

Physiotherapy

15 Professional Rules

Chiropody

16 Professional Rules

Architectural

17 Professional Rules

Accounting and auditing

18 Professional Rules

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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 cetera

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...

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

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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 6A — COMMITMENTS

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

- 1 Paragraph 2 applies where the CMA proposes to—
 2 (1) Before accepting the commitments or variation, the CMA must—...
 3 (1) The CMA 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 CMA proposes to release any...
 11 (1) Before releasing the commitments, the CMA must—
 12 If after giving notice under paragraph 11 the CMA decides...
 13 As soon as practicable after releasing the commitments, the CMA...
 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—

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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...

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...

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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

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

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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

General procedure

2 (1) An appeal to the Tribunal under section 46, 47...

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...

3B (1) This paragraph applies to an appeal under section 49D(3)...

4 Appeals

Part II — RULES

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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 8A — Further Provision about Claims in Respect of Loss or Damage Before a Court or the Tribunal

Part 1 — INTERPRETATION

- 1 This Part of this Schedule contains definitions and other provisions...
- 2 Competition law etc
- 3 Competition authority etc
- 4 Cartels
- 5 Settlement submission to a competition authority
- 6 Consensual dispute resolution process
- 7 Other definitions

Part 2 — PASSING ON

- 8 Overcharges and underpayments
- 9 Burden of proof where an overcharge is passed on to an indirect purchaser
- 10 Burden of proof where an underpayment is passed on to an indirect provider
- 11 Burden of proof where an overcharge or underpayment is passed on by the claimant

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- Part 3 — SMALL AND MEDIUM-SIZED ENTERPRISES
- 12 Liability of small and medium-sized enterprises
- Part 4 — CARTELS
- 13 Presumption that cartels cause harm
- 14 Immunity recipients
- 15 Liability of immunity recipients
- 16 Contribution between participants in cartels
- Part 5 — LIMITATION AND PRESCRIPTIVE PERIODS
- 17 Time limits for bringing competition proceedings
- 18 Length of limitation or prescriptive period
- 19 Beginning of limitation or prescriptive period
- 20 Effect of disability on beginning of limitation period: England and Wales and Northern Ireland
- 21 Suspension during investigation by competition authority
- 22 Suspension during consensual dispute resolution process
- 23 Suspension during collective proceedings
- 24 Suspension of prescriptive period during period of disability: Scotland
- 25 Continuity of limitation or prescriptive period
- 26 New claims in pending actions: England and Wales and Northern Ireland
- Part 6 — DISCLOSURE ETC
- 27 Disclosure orders
- 28 Restriction in relation to settlement submissions and cartel leniency statements
- 29 Restriction in relation to investigation materials
- 30 Restriction in relation to material in a competition authority's file
- 31 Power of High Court in Northern Ireland to order disclosure etc by non-parties
- Part 7 — USE OF EVIDENCE
- 32 Cartel leniency statements and settlement submissions
- 33 Investigation materials
- 34 Material obtained from a competition authority's file
- 35 Decisions of member State competition authorities
- Part 8 — EXEMPLARY DAMAGES
- 36 Exemplary damages
- Part 9

CONTRIBUTION AND CONSENSUAL SETTLEMENTS

- 37 Consensual settlement
- 38 Assessment of contribution
- 39 Effect of consensual settlement on the amount of a claim
- 40 Effect of consensual settlement for the settling infringer
- 41 Effect of consensual settlement on contribution between defendants
- Part 10 — APPLICATION
- 42 (1) Parts 2 to 5, 8 and 9 of this...
- 43 The following provisions of this Schedule apply only in relation...
- 44 In this Part of this Schedule "the relevant day" means...

SCHEDULE 9 — CMA's Rules

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General

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

Delegation of functions

1A (1) Rules may provide for the exercise of a function...

Applications

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

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...

Retained exemptions

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

...

10

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...

Oral hearings: procedure

13A (1) Rules may make provision as to the procedure to...

Procedural complaints

13B (1) Rules may make provision as to arrangements to be...

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Settling cases

13C Rules may make provision as to the procedure to be...

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...

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.

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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...

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...

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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.

...

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—

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...

Status: Point in time view as at 31/10/2023.

Changes to legislation: Competition Act 1998 is up to date with all changes known to be in force on or before 13 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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

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...

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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...

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...

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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...

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...

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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...

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 31/10/2023.

Changes to legislation:

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