



Competition Act 1998

1998 CHAPTER 41

PART I

COMPETITION

CHAPTER V

MISCELLANEOUS

Regulators

54 Regulators.

- (1) In this Part “regulator” means [^{F1}—
 - [^{F2}(a) the Office of Communications;]
 - (b) the Gas and Electricity Markets Authority;
 - (c) the Director General of Electricity Supply for Northern Ireland;
 - (d) the Director General of Water Services;
 - (e) the Rail Regulator;
 - (f) the Director General of Gas for Northern Ireland; and
 - (g) the Civil Aviation Authority.]
- (2) Parts II and III of Schedule 10 provide for functions of the [^{F3}OFT] under this Part to be exercisable concurrently by regulators.
- (3) Parts IV and V of Schedule 10 make minor and consequential amendments in connection with the regulators’ competition functions.
- (4) The Secretary of State may make regulations for the purpose of co-ordinating the performance of functions under this Part (“Part I functions”) which are exercisable concurrently by two or more competent persons as a result of [^{F4}any enactment (including any subordinate legislation) whenever passed or made].

Status: Point in time view as at 01/05/2004.

Changes to legislation: Competition Act 1998, Cross Heading: Regulators is up to date with all changes known to be in force on or before 26 July 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)

- (5) The regulations may, in particular, make provision—
- (a) as to the procedure to be followed by competent persons when determining who is to exercise Part I functions in a particular case;
 - (b) as to the steps which must be taken before a competent person exercises, in a particular case, such Part I functions as may be prescribed;
 - (c) as to the procedure for determining, in a particular case, questions arising as to which competent person is to exercise Part I functions in respect of the case;
 - (d) for Part I functions in a particular case to be exercised jointly—
 - (i) by the [^{F3}OFT] and one or more regulators, or
 - (ii) by two or more regulators,
 and as to the procedure to be followed in such cases;
 - (e) as to the circumstances in which the exercise by a competent person of such Part I functions as may be prescribed is to preclude the exercise of such functions by another such person;
 - (f) for cases in respect of which Part I functions are being, or have been, exercised by a competent person to be transferred to another such person;
 - (g) for the person (“A”) exercising Part I functions in a particular case—
 - (i) to appoint another competent person (“B”) to exercise Part I functions on A’s behalf in relation to the case; or
 - (ii) to appoint officers of B (with B’s consent) to act as officers of A in relation to the case;
 - (h) for notification as to who is exercising Part I functions in respect of a particular case.
- (6) Provision made by virtue of subsection (5)(c) may provide for questions to be referred to and determined by the Secretary of State or by such other person as may be prescribed.
- (7) “Competent person” means the [^{F3}OFT] or any of the regulators.
- [^{F5}(8) In this section, “subordinate legislation” has the same meaning as in section 21(1) of the [Interpretation Act 1978 \(c 30\)](#) and includes an instrument made under—
- (a) an Act of the Scottish Parliament;
 - (b) Northern Ireland legislation.]

Textual Amendments

- F1** Words in s. 54(1) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 38\(41\)\(a\)](#); [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F2** S. 54(1)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), ss. [371\(5\)\(a\)](#), 411(2) (with Sch. 18); [S.I. 2003/1900](#), arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)
- F3** Word in s. 54(1) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 38\(41\)\(b\)](#); [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F4** Words in s. 54(4) substituted (1.5.2004) by [The Competition Act 1998 and Other Enactments \(Amendment\) Regulations 2004 \(S.I. 2004/1261\)](#), reg. 1(a), [Sch. 1 para. 33\(2\)](#)
- F5** S. 54(8) inserted (1.5.2004) by [The Competition Act 1998 and Other Enactments \(Amendment\) Regulations 2004 \(S.I. 2004/1261\)](#), reg. 1(a), [Sch. 1 para. 33\(3\)](#)

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Modifications etc. (not altering text)

- C1** Pt. 1 modified (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), [ss. 371\(3\)](#), [411\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), [arts. 1\(2\)](#), [2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#)); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))
- C2** S. 54(5)-(7) applied by 1986 c. 46, s. 9D(2) (as inserted (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), [ss. 204\(2\)](#), [279](#); [S.I. 2003/1397](#), [art. 2\(1\)](#), [Sch.](#))

Commencement Information

- I1** S. 54 wholly in force; s. 54 not in force at Royal Assent see s. 76(3); s. 54(2) in force for certain purposes at 26.11.1998 by [S.I. 1998/2750](#), [art. 2](#); s. 54(3) in force for certain purposes at 11.1.1999 and s. 54(4)-(7) in force at the same date by [S.I. 1998/3166](#), [art. 2](#), [Sch.](#); s. 54(3) in force for certain purposes at 1.4.1999 by [S.I. 1999/505](#), [art. 2](#), [Sch. 2](#); s. 54(1)(2) and (3) wholly in force at 1.3.2000 by [S.I. 2000/344](#), [art. 2](#), [Sch.](#)

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