

SCHEDULES

SCHEDULE 10

REGULATORS

PART II

THE PROHIBITIONS

Electricity

- 4 (1) In consequence of the repeal by this Act of provisions of the Competition Act 1980, the functions transferred by subsection (3) of section 43 of the Electricity Act 1989 (functions with respect to competition) are no longer exercisable by the Director General of Electricity Supply.
- (2) Accordingly, that Act is amended as follows.
- (3) In section 3 (general duties of Secretary of State and Director), after subsection (6), insert—
- “(6A) Subsections (1) to (5) above do not apply in relation to anything done by the Director in the exercise of functions assigned to him by section 43(3) below (“Competition Act functions”).
- (6B) The Director may nevertheless, when exercising any Competition Act function, have regard to any matter in respect of which a duty is imposed by any of subsections (1) to (5) above (“a general matter”), if it is a matter to which the Director General of Fair Trading could have regard when exercising that function; but that is not to be taken as implying that, in the exercise of any function mentioned in subsection (6) above, regard may not be had to any general matter.”
- (4) Section 43 is amended as follows.
- (5) For subsection (3) substitute—
- “(3) The Director shall be entitled to exercise, concurrently with the Director General of Fair Trading, the functions of that Director under the provisions of Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51), so far as relating to—
- (a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act, or
- (b) conduct of the kind mentioned in section 18(1) of that Act,
- which relate to commercial activities connected with the generation, transmission or supply of electricity.

Status: This is the original version (as it was originally enacted).

(3A) So far as necessary for the purposes of, or in connection with, the provisions of subsection (3) above, references in Part I of the Competition Act 1998 to the Director General of Fair Trading are to be read as including a reference to the Director (except in sections 38(1) to (6), 51, 52(6) and (8) and 54 of that Act and in any other provision of that Act where the context otherwise requires).”

(6) In subsection (4), omit paragraph (c) and the “and” immediately after it.

(7) In subsection (5), omit “or (3)”.

(8) In subsection (6), for paragraph (b) substitute—

“(b) Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51),”.

(9) In subsection (7), omit “or the 1980 Act”.