

*Status: Point in time view as at 26/11/1998.*

*Changes to legislation: Competition Act 1998, Paragraph 6 is up to date with all changes known to be in force on or before 25 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)*

## SCHEDULES

### SCHEDULE 10

#### REGULATORS

#### PART II

#### THE PROHIBITIONS

##### *Railways*

- 6 (1) In consequence of the repeal by this Act of provisions of the <sup>M1</sup>Competition Act 1980, the functions transferred by subsection (3) of section 67 of the <sup>M2</sup>Railways Act 1993 (respective functions of the Regulator and the Director etc) are no longer exercisable by the Rail Regulator.
- (2) Accordingly, that Act is amended as follows.
- (3) In section 4 (general duties of the Secretary of State and the Regulator), after subsection (7), insert—
- “(7A) Subsections (1) to (6) above do not apply in relation to anything done by the Regulator in the exercise of functions assigned to him by section 67(3) below (“Competition Act functions”).
- (7B) The Regulator 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 (6) above, if it is a matter to which the Director General of Fair Trading could have regard when exercising that function.”
- (4) Section 67 is amended as follows.
- (5) For subsection (3) substitute—
- “(3) The Regulator shall be entitled to exercise, concurrently with the Director, the functions of the 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 the supply of railway services.
- (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 are to be read as including a reference to the Regulator (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).”

*Status: Point in time view as at 26/11/1998.*

*Changes to legislation: Competition Act 1998, Paragraph 6 is up to date with all changes known to be in force on or before 25 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)*

- (6) In subsection (4), omit paragraph (c) and the “and” immediately after it.
- (7) In subsection (6)(a), omit “or (3)”.
- (8) In subsection (8), for paragraph (b) substitute—
  - “(b) Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51),”.
- (9) In subsection (9)—
  - (a) omit “or under the 1980 Act”;
  - (b) for “or (3) above” substitute “above and paragraph 1 of Schedule 10 to the Competition Act 1998”.

#### **Commencement Information**

- I1** Sch. 10 para. 6 wholly in force; Sch. 10 para. 6 not in force at Royal Assent see s. 76(3); Sch. 10 para. 6 in force for certain purposes at 26.11.1998 by S.I. 1998/2750, art. 2; SCh. 10 para. 6 fully in force at 1.3.2000 by S.I. 2000/344, art. 2, Sch.

#### **Marginal Citations**

- M1** 1980 c. 21.  
**M2** 1993 c. 43.

**Status:**

Point in time view as at 26/11/1998.

**Changes to legislation:**

Competition Act 1998, Paragraph 6 is up to date with all changes known to be in force on or before 25 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.