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Changes to legislation: Competition Act 1998, SCHEDULE 12 is up to date with all changes known to be in force on or before 09 September 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 12

Section 74(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Fair Trading Act 1973 (c.41)

- 1 (1) The Fair Trading Act 1973 is amended as follows.
- (2) Omit section 4 and Schedule 3 (which make provision in respect of the Monopolies and Mergers Commission).
- (3) Omit—
 - (a) section 10(2),
 - (b) section 54(5),
 - (c) section 78(3),
 - (d) paragraph 3(1) and (2) of Schedule 8,(which fall with the repeal of the ^{M1}Restrictive Trade Practices Act 1976).
- ^{F1}(4)
- ^{F1}(5)
- ^{F1}(6)
- ^{F1}(7)
- (8) Omit section 45 (power of the Director to require information about complex monopoly situations).
- ^{F2}(9)
- ^{F3}(10)
- ^{F3}(11)
- ^{F3}(12)
- ^{F3}(13)
- ^{F4}(14)
- (15) In section 135(1) (financial provisions)—
 - (a) in the words before paragraph (a) and in paragraph (b), omit “or the Commission”; and
 - (b) omit paragraph (a).

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Textual Amendments

- F1** Sch. 12 para. 1(4)-(7) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)
- F2** Sch. 12 para. 1(9) repealed (20.6.2003) by The Enterprise Act 2002 (Consequential and Supplemental Provisions) Order 2003 (S.I. 2003/1398), art. 1, **Sch. para. 32(3)(a)**
- F3** Sch. 12 para. 1(10)-(13) repealed (29.12.2003) by The Enterprise Act 2002 and Media Mergers (Consequential Amendments) Order 2003 (S.I. 2003/3180), art. 1(1), **Sch. para. 6(2)** (with art. 3)
- F4** Sch. 12 para. 1(14) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

Commencement Information

- I1** Sch. 12 para. 1 wholly in force; Sch. 12 para. 1 not in force at Royal Assent see s. 76(3); Sch. 12 para. 1(14) in force at 11.1.1999 by S.I. 1998/3166, art. 2, **Sch.**; Sch. 12 para. 1(1)(2)(9)-(13)(15) in force at 1.4.1999 by S.I. 1999/505, art. 2, **Sch. 2**; Sch. 12 para. 1(3)(a)(b)(d) in force at 10.11.1999 by S.I. 1999/2859, art. 2; Sch. 12 para. 1(3)(c)(4)-(8) in force at 1.3.2000 by S.I. 2000/344, art. 2, **Sch.**

Marginal Citations

- M1** 1976 c. 34.

The Energy Act 1976 (c.76)

- 2 In the Energy Act 1976, omit section 5 (temporary relief from restrictive practices law in relation to certain agreements connected with petroleum).

The Estate Agents Act 1979 (c.38)

- 3 In section 10(3) of the Estate Agents Act 1979 (restriction on disclosure of information), in paragraph (a)—
- (a) omit “or the ^{M2}Restrictive Trade Practices Act 1976”; and
- (b) after “the ^{M3}Coal Industry Act 1994”, insert “ or the Competition Act 1998 ”.

Commencement Information

- I2** Sch. 12 para. 3 wholly in force; Sch. 12 para. 3 not in force at Royal Assent see s. 76(3); Sch. 12 para. 3(b) in force at 11.1.1999 by S.I. 1998/3166, art. 2, **Sch.**; Sch. 12 para. 3(a) in force at 1.3.2000 by S.I. 2000/344, art. 2, **Sch.**

Marginal Citations

- M2** 1976 c. 34.
M3 1994 c. 21.

The Competition Act 1980 (c.21)

- 4 (1) The Competition Act 1980 is amended as follows.
- (2) In section 11(8) (public bodies and other persons referred to the Commission), omit paragraph (b) and the “and” immediately before it.

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- (3) ^{F5}For section 11(9) (which makes provision for certain functions of the Competition Commission under the ^{M4}Fair Trading Act 1973 to apply in relation to references under the Competition Act 1980) substitute—

“(9) The provisions mentioned in subsection (9A) are to apply in relation to a reference under this section as if—

- (a) the functions of the Competition Commission under this section were functions under the Fair Trading Act 1973;
- (b) the expression “merger reference” included a reference to the Commission under this section; and
- (c) in paragraph 20(2)(a) of Schedule 7 to the Competition Act 1998, the reference to section 56 of the Fair Trading Act 1973 were a reference to section 12 below.

(9A) The provisions are—

- (a) sections 70 (time limit for report on merger), 84 (public interest) and 85 (attendance of witnesses and production of documents) of the Fair Trading Act 1973; and
- (b) Part II of Schedule 7 to the Competition Act 1998 (performance of the Competition Commission’s general functions).”]

- (4) ^{F5}In section 13 (investigation of prices directed by Secretary of State)—

- (a) in subsection (1), omit from “but the giving” to the end;
- (b) for subsection (6) substitute—

“(6) For the purposes of an investigation under this section the Director may, by notice in writing signed by him—

- (a) require any person to produce—
 - (i) at a time and a place specified in the notice,
 - (ii) to the Director or to any person appointed by him for the purpose,any documents which are specified or described in the notice and which are documents in his custody or under his control and relating to any matter relevant to the investigation; or
- (b) require any person carrying on any business to—
 - (i) furnish to the Director such estimates, forecasts, returns or other information as may be specified or described in the notice; and
 - (ii) specify the time, manner and form in which any such estimates, forecasts, returns or information are to be furnished.

(7) No person shall be compelled, for the purpose of any investigation under this section—

- (a) to produce any document which he could not be compelled to produce in civil proceedings before the High Court or, in Scotland, the Court of Session; or
- (b) in complying with any requirement for the furnishing of information, to give any information which he could not be compelled to give in evidence in such proceedings.

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- (8) Subsections (6) to (8) of section 85 of the ^{M5}Fair Trading Act 1973 (enforcement provisions relating to notices requiring production of documents etc.) shall apply in relation to a notice under subsection (6) above as they apply in relation to a notice under section 85(1) but as if, in section 85(7), for the words from “any one” to “the Commission” there were substituted “the Director.””]
- (5) In section 15 (special provisions for agricultural schemes) omit subsections (2)(b), (3) and (4).
- (6) In section 16 (reports), omit subsection (3).
- (7) In section 17 (publication etc. of reports)—
- (a) in subsections (1) and (3) to (5), omit “8(1)”;
 - (b) in subsection (2), omit “8(1) or”;
 - (c) in subsection (6), for “sections 9, 10 or” substitute “section ”.
- (8) In section 19(3) (restriction on disclosure of information), omit paragraphs (d) and (e).
- (9) In section 19(3), after paragraph (q), insert—
- “(r) the Competition Act 1998”.
- (10) In section 19(5)(a), omit “or in anything published under section 4(2)(a) above”.
- (11) Omit section 22 (which amends the ^{M6}Fair Trading Act 1973).
- ^{F6}(12)
- (13) Omit sections 25 to 30 (amendments of the ^{M7}Restrictive Trade Practices Act 1976).
- (14) In section 31 (orders and regulations)—
- (a) omit subsection (2); and
 - (b) in subsection (3), omit “10”.
- (15) In section 33 (short title etc)—
- ^{F7}(a)
 - (b) omit subsections (3) and (4).

Textual Amendments

- F5** Sch. 12 para. 4(3)(4) repealed (20.6.2003 for specified purposes) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); [S.I. 2003/1397](#), art. 2(1), [Sch.](#) (with art. 8)
- F6** Sch. 12 para. 4(12) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); [S.I. 2003/1397](#), art. 2(1), [Sch.](#) (with art. 8)
- F7** Sch. 12 para. 4(15)(a) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); [S.I. 2003/1397](#), art. 2(1), [Sch.](#) (with art. 8)

Commencement Information

- I3** Sch. 12 para. 4 wholly in force; Sch. 12 para. 4 not in force at Royal Assent see s. 76(3); Sch. 12 para. 4(9) (11) in force at 11.1.1999 by [S.I. 1998/3166](#), art. 2, [Sch.](#); Sch. 12 para. 4(1)(3)(12) in force at 1.4.1999 by [S.I. 1999/505](#), art. 2, [Sch. 2](#); Sch. 12 para. 4(2), (4)-(8)(10)(13)-(15) in force at 1.3.2000 by [S.I. 2000/344](#), art. 2, [Sch.](#)

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Marginal Citations

- M4** 1973 c. 41.
- M5** 1973 c. 41.
- M6** 1973 c. 41.
- M7** 1976 c. 34.

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

- 5 In Schedule 6 to the Magistrates' Courts (Northern Ireland) Order 1981, omit paragraphs 42 and 43 (which amend the Restrictive Trade Practices Act 1976).

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

- 6 In Schedule 8 to the Agricultural Marketing (Northern Ireland) Order 1982—
- (a) omit the entry relating to paragraph 16(2) of Schedule 3 to the ^{M8}Fair Trading Act 1973; and
 - (b) in the entry relating to the ^{M9}Competition Act 1980—
 - (i) for “sections” substitute “ section ”;
 - (ii) omit “and 15(3)”.

Commencement Information

- I4** Sch. 12 para. 6 wholly in force; Sch. 12 para. 6 not in force at Royal Assent see s. 76(3); Sch. 12 para. 6(a) in force at 1.4.1999 by [S.I. 1999/505, art. 2, Sch. 2](#); Sch. 12 para. 6(b) in force at 1.3.2000 by [S. I. 2000/344, art. 2, Sch.](#)

Marginal Citations

- M8** 1973 c. 41.
- M9** 1980 c. 21.

The Airports Act 1986 (c.31)

- ^{F87}

Textual Amendments

- F8** Sch. 12 para. 7 repealed (20.6.2003) by [The Enterprise Act 2002 \(Consequential and Supplemental Provisions\) Order 2003 \(S.I. 2003/1398\), art. 1, Sch. para. 32\(3\)\(b\)](#)

^{F9} ...

Textual Amendments

- F9** Sch. 12 para. 8 and cross-heading repealed (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 19](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)

- 8 In Schedule 11 to the Financial Services Act 1986, in paragraph 12—
- (a) in sub-paragraph (1), omit “126”;

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(b) omit sub-paragraph (2).

*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 ^{M10}Companies Consolidation (Consequential Provisions)(Northern Ireland) Order 1986, omit the entries relating to the ^{M11}Restrictive Trade Practices Act 1976 and the Resale Prices Act 1976.

Marginal Citations

- M10** 1976 c. 34.
- M11** 1976 c. 53.

The Consumer Protection Act 1987 (c.43)

10 In section 38(3) of the Consumer Protection Act 1987 (restrictions on disclosure of information)—

- (a) omit paragraphs (e) and (f); and
- (b) after paragraph (o), insert—
 - “(p) the Competition Act 1998.”

Commencement Information

- I5** Sch. 12 para. 10 wholly in force; Sch. 12 para. 10 not in force at Royal Assent see s. 76(3); Sch. 12 para. 10(b) in force at 11.1.1999 by [S.I. 1998/3166, art. 2, Sch.](#); Sch. 12 para. 10(a) in force at 1.3.2000 by [S.I. 2000/344, art. 2, Sch.](#)

The Channel Tunnel Act 1987 (c.53)

^{F10}11

Textual Amendments

- F10** Sch. 12 para. 11 repealed (20.6.2003) by [The Enterprise Act 2002 \(Consequential and Supplemental Provisions\) Order 2003 \(S.I. 2003/1398\), art. 1, Sch. para. 32\(3\)\(c\)](#)

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

12 In Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (consequential amendments), omit paragraph 19.

The Companies Act 1989 (c.40)

13 In Schedule 20 to the Companies Act 1989 (amendments about mergers and related matters), omit paragraphs 21 to 24.

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The Broadcasting Act 1990 (c.42)

F11 14

Textual Amendments

F11 Sch. 12 para. 14 repealed (20.6.2003) by [The Enterprise Act 2002 \(Consequential and Supplemental Provisions\) Order 2003 \(S.I. 2003/1398\)](#), art. 1, [Sch. para. 32\(3\)\(d\)](#)

The Tribunals and Inquiries Act 1992 (c.53)

15 In Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under the supervision of the Council on Tribunals), after paragraph 9, insert—

“Competition	9A. An appeal tribunal established under section 48 of the Competition Act 1998.”
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The Osteopaths Act 1993 (c.21)

F12 16

Textual Amendments

F12 Sch. 12 para. 16 repealed (20.6.2003) by [The Enterprise Act 2002 \(Consequential and Supplemental Provisions\) Order 2003 \(S.I. 2003/1398\)](#), art. 1, [Sch. para. 32\(3\)\(e\)](#)

The Chiropractors Act 1994 (c.17)

F13 17

Textual Amendments

F13 Sch. 12 para. 17 repealed (20.6.2003) by [The Enterprise Act 2002 \(Consequential and Supplemental Provisions\) Order 2003 \(S.I. 2003/1398\)](#), art. 1, [Sch. para. 32\(3\)\(f\)](#)

The Coal Industry Act 1994 (c.21)

18 In section 59(4) of the Coal Industry Act 1994 (information to be kept confidential by the Coal Authority)—

- (a) omit paragraphs (e) and (f); and
- (b) after paragraph (m), insert—
 - “(n) the Competition Act 1998.”

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Commencement Information

I6 Sch. 12 para. 18 wholly in force; Sch. 12 para. 18 not in force at Royal Assent see s. 76(3); Sch. 12 para. 18(b) in force at 11.1.1999 by [S.I. 1998/3166, art. 2, Sch.](#); Sch. 12 para. 18(a) in force at 1.3.2000 by [S.I. 2000/344, art. 2, Sch.](#)

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

- 19 (1) The Deregulation and Contracting Out Act 1994 is amended as follows.
- (2) Omit—
 - (a) section 10 (restrictive trade practices: non-notifiable agreements); and
 - (b) section 11 (registration of commercially sensitive information).
- (3) In section 12 (anti-competitive practices: competition references), omit subsections (1) to (6).
- (4) In Schedule 4, omit paragraph 1.
- (5) In Schedule 11 (miscellaneous deregulatory provisions: consequential amendments), in paragraph 4, omit sub-paragraphs (3) to (7).

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

F1420

Textual Amendments

F14 Sch. 12 para. 20 repealed (20.6.2003) by [The Enterprise Act 2002 \(Consequential and Supplemental Provisions\) Order 2003 \(S.I. 2003/1398\), art. 1, Sch. para. 32\(3\)\(g\)](#)

The Broadcasting Act 1996 (c.55)

- 21 In section 77 of the Broadcasting Act 1996 (which modifies the Restrictive Trade Practices Act 1976 in its application to agreements relating to Channel 3 news provision), omit subsection (2).

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