

Status: Point in time view as at 01/04/2003.

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SCHEDULES

SCHEDULE 13

TRANSITIONAL PROVISIONS AND SAVINGS

PART IV

ON AND AFTER THE STARTING DATE

CHAPTER III

THE TRANSITIONAL PERIOD

The general rule

- 19 (1) Except where this Chapter or Chapter IV provides otherwise, there is a transitional period, beginning on the starting date and lasting for one year, for any agreement made before the starting date.
- (2) The Chapter I prohibition does not apply to an agreement to the extent to which there is a transitional period for the agreement.
- (3) The Secretary of State may by regulations provide for sections 13 to 16 and Schedule 5 to apply with such modifications (if any) as may be specified in the regulations, in respect of applications to the Director about agreements for which there is a transitional period.

Commencement Information

- II** Sch. 13 para. 19 wholly in force; Sch. 13 para. 19 not in force at Royal Assent see s. 76(3); Sch. 13 para. 19(3) in force at 11.1.1999 by S.I. 1998/3166, art. 2, Sch.; Sch. 13 para. 19(1) and (2) in force at 1.3.2000 by S.I. 2000/344, art. 2, Sch.

Cases for which there is no transitional period

- 20 (1) There is no transitional period for an agreement to the extent to which, immediately before the starting date, it is—
- (a) void under section 2(1) or 35(1)(a) of the RTPA;
 - (b) the subject of an order under section 2(2) or 35(3) of the RTPA; or
 - (c) unlawful under section 1, 2 or 11 of the RPA or void under section 9 of that Act.

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- (2) There is no transitional period for an agreement to the extent to which, before the starting date, a person has acted unlawfully for the purposes of section 27ZA(2) or (3) of the RTPA in respect of the agreement.
- (3) There is no transitional period for an agreement to which paragraph 25(4) applies.
- (4) There is no transitional period for—
 - (a) an agreement in respect of which there are continuing proceedings, or
 - (b) an agreement relating to goods in respect of which there are continuing proceedings,
 to the extent to which the agreement is, when the proceedings are determined, void or unlawful.

Continuing proceedings under the RTPA

- 21 In the case of an agreement which is the subject of continuing proceedings under the RTPA, the transitional period begins—
 - (a) if the proceedings are discontinued, on the date of discontinuance;
 - (b) otherwise, when the proceedings are determined.

Continuing proceedings under the RPA

- 22 (1) In the case of an agreement relating to goods which are the subject of continuing proceedings under the RPA, the transitional period for the exempt provisions of the agreement begins—
 - (a) if the proceedings are discontinued, on the date of discontinuance;
 - (b) otherwise, when the proceedings are determined.
- (2) In sub-paragraph (1) “exempt provisions” has the meaning given by paragraph 14(3).

Provisions not contrary to public interest

- 23 (1) To the extent to which an agreement contains provisions which, immediately before the starting date, are provisions which the Court has found not to be contrary to the public interest, the transitional period lasts for five years.
- (2) Sub-paragraph (1) is subject to paragraph 20(4).
- (3) To the extent to which an agreement which on the starting date is the subject of continuing proceedings is, when the proceedings are determined, found by the Court not to be contrary to the public interest, the transitional period lasts for five years.

Goods

- 24 (1) In the case of an agreement relating to goods which, immediately before the starting date, are exempt under section 14 of the RPA, there is a transitional period for the agreement to the extent to which it consists of exempt provisions.
- (2) Sub-paragraph (1) is subject to paragraph 20(4).
- (3) In the case of an agreement relating to goods—
 - (a) which on the starting date are the subject of continuing proceedings, and

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(b) which, when the proceedings are determined, are found to be exempt under section 14 of the RPA,

there is a transitional period for the agreement, to the extent to which it consists of exempt provisions.

(4) In each case, the transitional period lasts for five years.

(5) In sub-paragraphs (1) and (3) “exempt provisions” means those provisions of the agreement which would, disregarding section 14 of the RPA, be—

- (a) void as a result of section 9(1) of the RPA; or
- (b) unlawful as a result of section 9(2) or 11 of the RPA.

Transitional period for certain agreements

25 (1) This paragraph applies to agreements—

- (a) which are subject to registration under the RTPA but which—
 - (i) are not non-notifiable agreements within the meaning of section 27A of the RTPA, or
 - (ii) are not agreements to which paragraph 5 applies; and
- (b) in respect of which the time for furnishing relevant particulars as required by or under the RTPA expires on or after the starting date.

(2) “Relevant particulars” means—

- (a) particulars which are required to be furnished by virtue of section 24 of the RTPA; or
- (b) particulars of any variation of an agreement which are required to be furnished by virtue of sections 24 and 27 of the RTPA.

(3) There is a transitional period of one year for an agreement to which this paragraph applies if—

- (a) relevant particulars are furnished before the starting date; and
- (b) no person has acted unlawfully (for the purposes of section 27ZA(2) or (3) of the RTPA) in respect of the agreement.

(4) If relevant particulars are not furnished by the starting date, section 35(1)(a) of the RTPA does not apply in relation to the agreement (unless sub-paragraph (5) applies).

(5) This sub-paragraph applies if a person falling within section 27ZA(2) or (3) of the RTPA has acted unlawfully for the purposes of those subsections in respect of the agreement.

Special cases

26 (1) In the case of an agreement in respect of which—

- (a) a direction under section 127(2) of the ^{M1}Financial Services Act 1986 (“the 1986 Act”) is in force immediately before the starting date, or
- (b) a direction under section 194A(3) of the ^{M2}Broadcasting Act 1990 (“the 1990 Act”) is in force immediately before the starting date,

the transitional period lasts for five years.

(2) To the extent to which an agreement is the subject of a declaration—

- (a) made by the Treasury under section 127(3) of the 1986 Act, and

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- (b) in force immediately before the starting date,
the transitional period lasts for five years.
- (3) Sub-paragraphs (1) and (2) do not affect the power of—
 - (a) the Treasury to make a declaration under section 127(2) of the 1986 Act (as amended by Schedule 2 to this Act),
 - (b) the Secretary of State to make a declaration under section 194A of the 1990 Act (as amended by Schedule 2 to this Act),in respect of an agreement for which there is a transitional period.

Marginal Citations

M1 1986 c. 60.

M2 1990 c. 42.

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