

*Status: Point in time view as at 20/07/2007.*

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## SCHEDULES

### SCHEDULE 7

Section 45(7).

#### THE COMPETITION COMMISSION

#### PART I

#### GENERAL

#### *Interpretation*

1 In this Schedule—

“the 1973 Act” means the <sup>M1</sup>Fair Trading Act 1973;

<sup>F1</sup> ...

“Chairman” means the chairman of the Commission;

“the Commission” means the Competition Commission;

“Council” has the meaning given in paragraph 5;

“general functions” means any functions of the Commission other than functions—

(a) <sup>F2</sup> ...

(b) which are to be discharged by the Council;

“member” means a member of the Commission;

“newspaper merger reference” means a [<sup>F3</sup>reference under section 45 of the Enterprise Act 2002 which specifies a newspaper public interest consideration (within the meaning of paragraph 20A of Schedule 8 to that Act) or a reference under section 62 of that Act which specifies a consideration specified in section 58(2A) or (2B) of that Act];

[<sup>F4</sup>“newspaper panel member” means a member of the panel maintained under paragraph 22;]

<sup>F1</sup> ...

“reporting panel member” means a member appointed under paragraph 2(1)(b);

“secretary” means the secretary of the Commission appointed under paragraph 9; and

“specialist panel member” means a member appointed under any of the provisions mentioned in paragraph 2(1)(d).

#### Textual Amendments

**F1** Words in Sch. 7 para. 1 repealed (1.4.2003) by virtue of [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 5 para. 7\(2\)\(a\), Sch. 26; S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)

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<p><b>F2</b> Words in Sch. 7 para. 1 repealed (1.4.2003) by <a href="#">Enterprise Act 2002 (c. 40)</a>, s. 279, <a href="#">Sch. 5 para. 7(2)(b)</a>, <a href="#">Sch. 26</a>; <a href="#">S.I. 2003/766</a>, art. 2, <a href="#">Sch.</a> (with art. 3) (as amended (20.7.2007) by <a href="#">S.I. 2007/1846</a>, reg. 3(2), <a href="#">Sch.</a>)</p> <p><b>F3</b> Words in Sch. 7 para. 1 substituted (29.12.2003) by <a href="#">Communications Act 2003 (c. 21)</a>, <a href="#">ss. 388</a>, 411(2) (with <a href="#">Sch. 18</a>); <a href="#">S.I. 2003/3142</a>, art. 3(1), <a href="#">Sch. 1</a> (with art. 11)</p> <p><b>F4</b> Words in Sch. 7 para. 1 inserted (1.4.2003) by <a href="#">Enterprise Act 2002 (c. 40)</a>, s. 279, <a href="#">Sch. 11 para. 2</a>; <a href="#">S.I. 2003/766</a>, art. 2, <a href="#">Sch.</a> (with art. 3) (as amended (20.7.2007) by <a href="#">S.I. 2007/1846</a>, reg. 3(2), <a href="#">Sch.</a>)</p> <hr/> <p><b>Modifications etc. (not altering text)</b></p> <p><b>C1</b> Sch. 7 para. 1 applied (with modifications) by <a href="#">S.I. 2003/1592</a>, Sch. 4 para. 15(2)(za) (as inserted (29.12.2003) by <a href="#">The Enterprise Act 2002 and Media Mergers (Consequential Amendments) Order 2003 (S.I. 2003/3180)</a>, art. 1(1), <a href="#">Sch. para. 10(17)</a>)</p> <hr/> <p><b>Marginal Citations</b></p> <p><b>M1</b> <a href="#">1973 c. 41</a>.</p>
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*Membership of the Commission*

- 2 (1) The Commission is to consist of—
- <sup>F5</sup>(a) . . . . .
  - (b) members appointed by the Secretary of State to form a panel for the purposes of the Commission’s general functions;
  - (c) [<sup>F6</sup> members appointed (in accordance with paragraph 15(5)) from][<sup>F6</sup>the members of] the panel maintained under paragraph 22;
  - (d) members appointed by the Secretary of State under or by virtue of—
    - <sup>F7</sup>(i) . . . . .
    - [<sup>F8</sup>(ii) section 104 of the Utilities Act 2000; .]
    - <sup>F9</sup>(iii) . . . . .
    - (iv) Article 15(9) of the <sup>M2</sup>Electricity (Northern Ireland) Order 1992.
  - [<sup>F10</sup>(e) one or more members appointed by the Secretary of State to serve on the Council.]
- [<sup>F11</sup>(1A) A person may not be, at the same time, a member of the Commission and a member of the Tribunal.]
- (2) A person who is appointed as a member of a kind mentioned in one of paragraphs [<sup>F12</sup>(a)][<sup>F12</sup>(aa)] to (c) of sub-paragraph (3) may also be appointed as a member of either or both of the other kinds mentioned in those paragraphs.
- (3) The kinds of member are—
- <sup>F13</sup>(a) . . . . .
  - [<sup>F14</sup>(aa) a newspaper panel member;
  - (b) a reporting panel member;
  - (c) a specialist panel member.
- <sup>F15</sup>(4) . . . . .
- (5) The validity of the Commission’s proceedings is not affected by a defect in the appointment of a member.

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### Textual Amendments

- F5** Sch. 7 para. 2(1)(a) repealed (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, Sch. 5 para. 7(3), [Sch. 26](#); [S.I. 2003/766](#), art. 2, [Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))
- F6** Words in Sch. 7 para. 2(1)(c) substituted (1.4.2003 for specified purposes) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 11 para. 3\(a\)](#); [S.I. 2003/766](#), art. 2, [Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))
- F7** Sch. 7 para. 2(1)(d)(i) repealed (1.4.2004) by [Water Act 2003 \(c. 37\)](#), s. 105(3), Sch. 7 para. 32(3), [Sch. 9 Pt. 3](#); [S.I. 2004/641](#), art. 3(y)(z), [Sch. 2](#)
- F8** Sch. 7 para. 2(1)(d)(ii) substituted (16.5.2001) by [2000 c. 27](#), s. 104(3) (with s. 104(6)); [S.I. 2001/1781](#), art. 2, [Sch.](#) (subject to transitional provisions in [arts. 3-10](#))
- F9** Sch. 7 para. 2(1)(d)(iii) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (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(1), [Sch. 1](#) (with [art. 11](#))
- F10** Sch. 7 para. 2(1)(e) inserted (1.4.2003 for specified purposes) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 11 para. 3\(b\)](#); [S.I. 2003/766](#), art. 2, [Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))
- F11** Sch. 7 para. 2(1A) inserted (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 11 para. 3\(c\)](#); [S.I. 2003/1397](#), art. 2(1), [Sch.](#) (with [art. 8](#))
- F12** Word in Sch. 7 para. 2(2) substituted (1.4.2003 for specified purposes) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 11 para. 3\(d\)](#); [S.I. 2003/766](#), art. 2, [Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))
- F13** Sch. 7 para. 2(3)(a) repealed (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, Sch. 5 para. 7(3), [Sch. 26](#); [S.I. 2003/766](#), art. 2, [Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))
- F14** Sch. 7 para. 2(3)(aa) inserted (1.4.2003 for specified purposes) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 11 para. 3\(e\)](#); [S.I. 2003/766](#), art. 2, [Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))
- F15** Sch. 7 para. 2(4) repealed (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, Sch. 5 para. 7(3), [Sch. 26](#); [S.I. 2003/766](#), art. 2, [Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))

### Modifications etc. (not altering text)

- C2** Sch. 7 para. 2: functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by [S.I. 1999/678](#), arts. 2, 3, [Sch.](#) (with [art. 7](#))
- C3** Sch. 7 para. 2(4) modified (30.6.1999) by [S.I. 1999/1748](#), art. 3, [Sch. 1 para. 21](#)  
Sch. 7 para. 2(4): transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#) (with [art. 7](#))

### Marginal Citations

- M2** [S.I. 1992/231 \(N.I.1\)](#).

### *Chairman and deputy chairmen*

- 3 (1) The Commission is to have a chairman appointed by the Secretary of State from among the reporting panel members.
- (2) The Secretary of State may appoint one or more of the reporting panel members to act as deputy chairman.
- (3) The Chairman, and any deputy chairman, may resign that office at any time by notice in writing addressed to the Secretary of State.

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- (4) If the Chairman (or a deputy chairman) ceases to be a member he also ceases to be Chairman (or a deputy chairman).
- (5) If the Chairman is absent or otherwise unable to act, or there is no chairman, any of his functions may be performed—
- (a) if there is one deputy chairman, by him;
  - (b) if there is more than one—
    - (i) by the deputy chairman designated by the Secretary of State; or
    - (ii) if no such designation has been made, by the deputy chairman designated by the deputy chairmen;
  - (c) if there is no deputy chairman able to act—
    - (i) by the member designated by the Secretary of State; or
    - (ii) if no such designation has been made, by the member designated by the Commission.

#### *President*

F164 .....

#### **Textual Amendments**

**F16** Sch. 7 para. 4 repealed (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 5 para. 7\(4\)](#), [Sch. 26](#); [S.I. 2003/766](#), [art. 2](#), [Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))

#### **Modifications etc. (not altering text)**

**C4** Sch. 7 para. 4: functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by [S.I. 1999/678](#), [art. 2, 3](#), [Sch.](#) (with [art. 7](#))

#### *The Council*

- 5 (1) The Commission is to have a [F17management] board to be known as the Competition Commission Council (but referred to in this Schedule as “the Council”).
- (2) The Council is to consist of—
- (a) the Chairman [F18and any deputy chairmen of the Commission];
  - [F19(b) .....
  - [F20(bb) the member or members appointed under paragraph 2(1)(e);]
  - (c) such other members as the Secretary of State may appoint; and
  - (d) the secretary.
- (3) In exercising its functions under paragraphs 3 and 7 to 12 F21... , the Commission is to act through the Council.
- [F22(3A) Without prejudice to the question whether any other functions of the Commission are to be so discharged, the functions of the Commission under sections 106, 116, and 171 of the Enterprise Act 2002 (and under section 116 as applied for the purposes of references under Part 4 of that Act by section 176 of that Act) are to be discharged by the Council.]

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- (4) The Council may determine its own procedure including, in particular, its quorum.
- (5) The Chairman (and any person acting as Chairman) is to have a casting vote on any question being decided by the Council.

#### Textual Amendments

- F17** Word in Sch. 7 para. 5(1) repealed (1.4.2003 for specified purposes) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 11 para. 4\(a\)](#), [Sch. 26](#); S.I. 2003/766, art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), [Sch.](#))
- F18** Words in Sch. 7 para. 5(2)(a) inserted (1.4.2003 for specified purposes) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 11 para. 4\(b\)](#); S.I. 2003/766, art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), [Sch.](#))
- F19** Sch. 7 para. 5(2)(b) repealed (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 5 para. 7\(5\)\(a\)](#), [Sch. 26](#); S.I. 2003/766, art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), [Sch.](#))
- F20** Sch. 7 para. 5(2)(bb) inserted (1.4.2003 for specified purposes) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 11 para. 4\(c\)](#); S.I. 2003/766, art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), [Sch.](#))
- F21** Words in Sch. 7 para. 5(3) repealed (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 5 para. 7\(5\)\(b\)](#), [Sch. 26](#); S.I. 2003/766, art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), [Sch.](#))
- F22** Sch. 7 para. 5(3A) inserted (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 11 para. 4\(d\)](#); S.I. 2003/1397, art. 2(1), [Sch.](#) (with art. 8)

#### *Term of office*

- 6 (1) Subject to the provisions of this Schedule, each member is to hold and vacate office in accordance with the terms of his appointment.
- (2) A person is not to be appointed as a member for more than [<sup>F23</sup>five years at a time][<sup>F23</sup>eight years (but this does not prevent a re-appointment for the purpose only of continuing to act as a member of a group selected under paragraph 15 before the end of his term of office)].
- (3) Any member may at any time resign by notice in writing addressed to the Secretary of State.
- (4) The Secretary of State may remove a member on the ground of incapacity or misbehaviour.
- <sup>F24</sup>(5) No person is to be prevented from being appointed as a member merely because he has previously been a member.

#### Textual Amendments

- F23** Words in Sch. 7 para. 6(2) substituted (1.4.2003 for specified purposes) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 11 para. 5\(a\)](#); S.I. 2003/766, art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), [Sch.](#))
- F24** Sch. 7 para. 6(5) repealed (1.4.2003 for specified purposes) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 11 para. 5\(b\)](#), [Sch. 26](#); S.I. 2003/766, art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), [Sch.](#))

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*Expenses, remuneration and pensions*

- 7 (1) The Secretary of State shall pay to the Commission such sums as he considers appropriate to enable it to perform its functions.
- (2) The Commission may pay, or make provision for paying, to or in respect of each member such salaries or other remuneration and such pensions, allowances, fees, expenses or gratuities as the Secretary of State may determine.
- (3) If a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the Commission may make a payment to him of such amount as the Secretary of State may determine.

<sup>F25</sup>(4) .....

**Textual Amendments**

**F25** Sch. 7 para. 7(4) repealed (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 11 para. 6, Sch. 26; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)

*The Commission's powers*

- [<sup>F26</sup>7A The Commission may publish advice and information in relation to any matter connected with the exercise of its functions.]

**Textual Amendments**

**F26** Sch. 7 para. 7A inserted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 11 para. 7; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)

- 8 Subject to the provisions of this Schedule, the Commission has power to do anything (except borrow money)—
- (a) calculated to facilitate the discharge of its functions; or
- (b) incidental or conducive to the discharge of its functions.

*Staff*

- 9 (1) The Commission is to have a secretary, appointed by the Secretary of State on such terms and conditions of service as he considers appropriate.
- (2) The approval of the Treasury is required as to those terms and conditions.
- (3) Before appointing a person to be secretary, the Secretary of State must consult the Chairman <sup>F27</sup>...
- (4) Subject to obtaining the approval of [<sup>F28</sup>the Secretary of State as to numbers and terms and conditions of service] the Commission may appoint such staff as it thinks appropriate.

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#### Textual Amendments

- F27** Words in Sch. 7 para. 9(3) repealed (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 11 para. 8\(a\), Sch. 26](#); [S.I. 2003/766, art. 2, Sch. \(with art. 3\)](#) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\), Sch.](#))
- F28** Words in Sch. 7 para. 9(4) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 11 para. 8\(b\)](#); [S.I. 2003/766, art. 2, Sch. \(with art. 3\)](#) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\), Sch.](#))

#### Procedure

**F29**<sup>10</sup> .....

#### Textual Amendments

- F29** Sch. 7 para. 10 repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 11 para. 9, Sch. 26](#); [S.I. 2003/1397, art. 2\(1\), Sch. \(with art. 8\)](#)

#### *Application of seal and proof of instruments*

- 11 (1) The application of the seal of the Commission must be authenticated by the signature of the secretary or of some other person authorised for the purpose.
- (2) Sub-paragraph (1) does not apply in relation to any document which is or is to be signed in accordance with the law of Scotland.
- (3) A document purporting to be duly executed under the seal of the Commission—
- is to be received in evidence; and
  - is to be taken to have been so executed unless the contrary is proved.

#### *Accounts*

- 12 (1) The Commission must—
- keep proper accounts and proper records in relation to its accounts;
  - prepare a statement of accounts in respect of each of its financial years; and
  - send copies of the statement to the Secretary of State and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The statement of accounts must comply with any directions given by the Secretary of State with the approval of the Treasury as to—
- the information to be contained in it,
  - the manner in which the information contained in it is to be presented, or
  - the methods and principles according to which the statement is to be prepared,
- and must contain such additional information as the Secretary of State may with the approval of the Treasury require to be provided for informing Parliament.
- (3) The Comptroller and Auditor General must—
- examine, certify and report on each statement received by him as a result of this paragraph; and

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- (b) lay copies of each statement and of his report before each House of Parliament.
- (4) In this paragraph “financial year” means the period beginning with the date on which the Commission is established and ending with March 31st next, and each successive period of twelve months.

*[<sup>F30</sup>Annual reports*

**Textual Amendments**

**F30** Sch. 7 para. 12A and cross-heading inserted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), ss. 186, 279; S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\), Sch.](#))

- 12A (1) The Commission shall make to the Secretary of State a report for each financial year on its activities during the year.
- (2) The annual report must be made before the end of August next following the financial year to which it relates.
- (3) The Secretary of State shall lay a copy of the annual report before Parliament and arrange for the report to be published.]

**Modifications etc. (not altering text)**

**C5** Sch. 7 para. 12A excluded (N.I.) (1.4.2003) by [The Energy \(Northern Ireland\) Order 2003 \(S.I. 2003/419\), arts. 1\(2\), 6\(10\); S.R. 2003/203, art. 2, Sch.](#)

*[<sup>F30</sup>Status*

- 13 (1) The Commission is not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown.
- (2) The Commission’s property is not to be regarded as property of, or held on behalf of, the Crown.]

**PART II**

PERFORMANCE OF THE COMMISSION’S GENERAL FUNCTIONS

**Modifications etc. (not altering text)**

**C6** Sch. 7 Pt. II applied (with modifications) (1.4.1999) by [1984 c. 12, s. 13\(9A\)](#) (as substituted (1.4.1999) by [1998 c. 41, s. 66\(5\), Sch. 10 Pt. IV para. 9\(2\)](#) (with s. 73); [S.I. 1999/505, art. 2, Sch. 2](#))  
 Sch. 7 Pt. II applied (with modifications) (1.4.1999) by [1986 c. 44, s. 24\(7A\)](#) (as substituted (1.4.1999) by [1998 c. 41, s. 66\(5\), Sch. 10 Pt. IV para. 10\(2\)](#) (with s. 73); [S.I. 1999/505, art. 2, Sch. 2](#))  
 Sch. 7 Pt. II applied (with modifications) (1.4.1999) by [1989 c. 29, s. 12\(8A\)](#) (as substituted (1.4.1999) by [1998 c. 41, s. 66\(5\), Sch. 10 Pt. IV para. 12\(2\)](#) (with s. 73); [S.I. 1999/505, art. 2, Sch. 2](#))  
 Sch. 7 Pt. II applied (with modifications) (1.4.1999) by [1991 c. 56, s. 14\(7A\)](#) (as substituted (1.4.1999) by [1998 c. 41, s. 66\(5\), Sch. 10 Pt. IV para. 13\(3\)](#) (with s. 73); [S.I. 1999/505, art. 2, Sch. 2](#))



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- Sch. 7 Pt. II applied (with modifications) (1.4.1999) by 1993 c. 43, s. 13(8A) (as substituted (1.4.1999) by 1998 c. 41, s. 66(5), **Sch. 10 Pt. IV para. 15(2)** (with s. 73); S.I. 1999/505, art. 2, **Sch. 2**)
- Sch. 7 Pt. II applied (with modifications) (1.4.1999) by S.I. 1992/231 (N.I. 1), **art. 15(8)(9)** (as substituted (1.4.1999) by 1998 c. 41, s. 66(5), **Sch. 10 Pt. V para. 17(2)** (with s. 73); S.I. 1999/505, art. 2, **Sch. 2**)
- Sch. 7 Pt. II applied (with modifications) (1.4.1999) by S.I. 1996/275 (N.I. 2), **art. 15(9)** (as substituted (1.4.1999) by 1998 c. 41, s. 66(5), **Sch. 10 Pt. V para. 18(2)** (with s. 73); S.I. 1999/505, art. 2, **Sch. 2**)
- Sch. 7 Pt. II modified (1.4.1999) by 1980 c. 21, s. 11(9A) (as substituted (1.4.1999) by 1998 c. 41, s. 74(1), **Sch. 12 para. 4(3)** (with s. 73); S.I. 1999/505, art. 2, **Sch. 2**)
- Sch. 7 Pt. II modified (1.4.1999) by 1986 c. 31, s. 44(3A) (as substituted (1.4.1999) by 1998 c. 41, s. 74(1), **Sch. 12 para. 7(2)** (with s. 73); S.I. 1999/505, art. 2, **Sch. 2**)
- Sch. 7 Pt. II modified (1.4.1999) by 1990 c. 42, ss. 67, 77, 121, **Sch. 7 para. 4(7A)** (as substituted (1.4.1999) by 1998 c. 41, s. 74(1), **Sch. 12 para. 14(3)** (with s. 73); S.I. 1999/505, art. 2, **Sch. 2**)
- Sch. 7 Pt. II modified (1.4.1999) by S.I. 1994/426 (N.I. 1), **art. 35(3)** (as substituted (1.4.1999) by 1998 c. 41, s. 74(1), **Sch. 12 para. 20(2)**; S.I. 1999/505, art. 2, **Sch. 2**)
- Sch. 7 Pt. II applied (with modifications) (24.11.1999) by S.I. 1999/3088, **regs. 7, 8**
- SCh. 7 Pt. II applied (with modifications) (26.3.2001) by 2000 c. 26, s. 20(1)(2)(c); S.I. 2000/2957, art. 2(3), **Sch. 3**
- Sch. 7 Pt. II applied (with modifications) (26.3.2001) by 2000 c. 26, s. 20(4)(5)(c); S.I. 2000/2957, art. 2(3), **Sch. 3**
- Sch. 7 Pt. II applied (with modifications) (30.11.2000) by 1993 c. 43, **Sch. 4A**, para. 10(2)(b) (as inserted (30.11.2000) by 2000 c. 38, ss. 231, 275(4), **Sch. 24**)
- Sch. 7 Pt. II applied (with modifications) (1.10.2001) by 1989 c. 29, s. 14A(13)(d) (as inserted (1.10.2001) by 2000 c. 27, s. 39 (with s. 104(1)(2)(6)); S.I. 2001/3266, art. 2, **Sch.** (subject to arts. 3-20))
- Sch. 7 Pt. II applied (with modifications) (1.10.2001) by 1989 c. 29, s. 56C(8)(b) (as inserted (1.10.2001) by 2000 c. 27, s. 43 (with s. 104(1)(2)(6)); S.I. 2001/3266, art. 2, **Sch.** (subject to arts. 3-20))
- Sch. 7 Pt. II applied (with modifications) (1.2.2001) by 2000 c. 38, s. 12(10)(c) (with s. 106); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I**
- Sch. 7 Pt. II applied (with modifications) (1.2.2001) by 2000 c. 38, s. 18(2)(e) (with s. 106); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I**
- Sch. 7 Pt. II applied (with modifications) (1.10.2001) by Gas Act 1986 c. 44, s. 26A(13)(d) (as inserted (1.10.2001) by 2000 c. 27, s. 83(4) (with s. 104(1)(2)(6)); S.I. 2001/3266, art. 2, **Sch.** (subject to arts. 3-20))
- SCh. 7 Pt. II applied (with modifications) (1.10.2001) by Gas Act 1986 c. 44, s. 41E (8)(b) (as inserted (1.10.2001) by 2000 c. 27, s. 88 (with s. 104(1)(2)(6)); S.I. 2001/3266, art. 2, **Sch.** (subject to arts. 3-20))
- Sch. 7 Pt. II applied (with modifications) (1.10.2001) by 1986 c. 44, s. 26A(12)-(14) (as inserted (1.10.2001) by 2000 c. 27, s. 83(4) (with s. 104(1)(2)(6)); S.I. 2001/3266, art. 2, **Sch.** (subject to arts. 3-20))
- C7** Sch. 7 Pt. II restricted (E.W.S.) (5.10.2004) by Energy Act 2004 (c. 20), ss. 174(1), 198(2); S.I. 2004/2575, art. 2(1), Sch. 1

### *Interpretation*

- 14 In this Part of this Schedule “group” means a group selected under paragraph 15.

### *Discharge of certain functions by groups*

- 15 (1) Except where sub-paragraph (7) [<sup>F31</sup>or (8)] gives the Chairman power to act on his own, any general function of the Commission must be performed through a group selected for the purpose by the Chairman.
- (2) The group must consist of at least three persons one of whom may be the Chairman.

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- (3) In selecting the members of the group, the Chairman must comply with any requirement as to its constitution imposed by any enactment applying to specialist panel members.
- (4) If the functions to be performed through the group relate to a newspaper merger reference, the group must, subject to sub-paragraph (5), consist of such reporting panel members as the Chairman may select.
- [<sup>F32</sup>(5) The Chairman must select one or more newspaper panel members to be members of the group dealing with functions relating to a newspaper merger reference and, if he selects at least three such members, the group may consist entirely of those members.]
- (6) Subject to sub-paragraphs (2) to (5), a group must consist of reporting panel members or specialist panel members selected by the Chairman.
- (7) While a group is being constituted to perform a particular general function of the Commission, the Chairman may—
- (a) take such steps (falling within that general function) as he considers appropriate to facilitate the work of the group when it has been constituted; or
- [<sup>F33</sup>(b) exercise the power conferred by section 75(5) of the 1973 Act (setting aside references).]
- [<sup>F34</sup>(8) The Chairman may exercise the power conferred by section 37(1), 48(1) or 64(1) of the Enterprise Act 2002 while a group is being constituted to perform a relevant general function of the Commission or, when it has been so constituted, before it has held its first meeting.]

#### Textual Amendments

- F31** Words in Sch. 7 para. 15(1) inserted (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 11 para. 10(2)**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)
- F32** Sch. 7 para. 15(5) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 11 para. 10(3)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F33** Sch. 7 para. 15(7)(b) repealed (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by Enterprise Act 2002 (c. 40), s. 279, Sch. 11 para. 10(4), **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)
- F34** Sch. 7 para. 15(8) inserted (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 11 para. 10(5)**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

#### Modifications etc. (not altering text)

- C8** Sch. 7 para. 15(8) amended (20.6.2003) by The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (S.I. 2003/1592), art. 1(1), **Sch. 4 para. 15(2)(a)**
- C9** Sch. 7 para. 15(7) modified (prosp.) by Financial Services and Markets Act 2000 (c. 8), Sch. 14 para. 2B (as inserted (prosp.) by Enterprise Act 2002 (c. 40), ss. 278, 279, **Sch. 25 para. 40(20)(b)**)
- C10** Sch. 7 para. 15(7) modified (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 40(20)(b)**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)

#### *Chairmen of groups*

- 16           The Chairman must appoint one of the members of a group to act as the chairman of the group.

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### *Replacement of member of group*

- 17 (1) If, during the proceedings of a group—
- (a) a member of the group ceases to be a member of the Commission,
  - (b) the Chairman is satisfied that a member of the group will be unable for a substantial period to perform his duties as a member of the group, or
  - (c) it appears to the Chairman that because of a particular interest of a member of the group it is inappropriate for him to remain in the group,
- the Chairman may appoint a replacement.
- (2) The Chairman may also at any time appoint any reporting panel member to be an additional member of a group.

### *Attendance of other members*

- 18 (1) At the invitation of the chairman of a group, any reporting panel member who is not a member of the group may attend meetings or otherwise take part in the proceedings of the group.
- (2) But any person attending in response to such an invitation may not—
- (a) vote in any proceedings of the group; or
  - (b) have a statement of his dissent from a conclusion of the group included in a report made by them.
- (3) Nothing in sub-paragraph (1) is to be taken to prevent a group, or a member of a group, from consulting any member of the Commission with respect to any matter or question with which the group is concerned.

### *Procedure*

- 19 (1) Subject to any special or general directions given by the Secretary of State, each group may determine its own procedure.
- (2) Each group may, in particular, determine its quorum and determine—
- (a) the extent, if any, to which persons interested or claiming to be interested in the subject-matter of the reference are allowed—
    - (i) to be present or to be heard, either by themselves or by their representatives;
    - (ii) to cross-examine witnesses; or
    - (iii) otherwise to take part; and
  - (b) the extent, if any, to which sittings of the group are to be held in public.
- (3) In determining its procedure a group must have regard to any guidance issued by the Chairman.
- (4) Before issuing any guidance for the purposes of this paragraph the Chairman must consult the members of the Commission.
- [<sup>F35</sup>(5) This paragraph does not apply to groups for which rules must be made under paragraph 19A.]

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### Textual Amendments

**F35** Sch. 7 para. 19(5) inserted (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), **ss. 187(2)**, 279; [S.I. 2003/1397](#), art. 2(1), Sch.

- [<sup>F36</sup>19A(1) The Chairman must make rules of procedure in relation to merger reference groups, market reference groups and special reference groups.
- (2) Schedule 7A makes further provision about rules made under this paragraph but is not to be taken as restricting the Chairman’s powers under this paragraph.
  - (3) The Chairman must publish rules made under this paragraph in such manner as he considers appropriate for the purpose of bringing them to the attention of those likely to be affected by them.
  - (4) The Chairman must consult the members of the Commission and such other persons as he considers appropriate before making rules under this paragraph.
  - (5) Rules under this paragraph may—
    - (a) make different provision for different cases or different purposes;
    - (b) be varied or revoked by subsequent rules made under this paragraph.
  - (6) Subject to rules made under this paragraph, each merger reference group, market reference group and special reference group may determine its own procedure.
  - (7) In determining how to proceed in accordance with rules made under this paragraph and in determining its procedure under sub-paragraph (6), a group must have regard to any guidance issued by the Chairman.
  - (8) Before issuing any guidance for the purposes of this paragraph the Chairman shall consult the members of the Commission and such other persons as he considers appropriate.
  - (9) In this paragraph and in Schedule 7A—
 

“market reference group” means any group constituted in connection with a reference under section 131 or 132 of the Enterprise Act 2002 (including that section as it has effect by virtue of another enactment);

“merger reference group” means any group constituted in connection with a reference under <sup>F37</sup>... section 32 of the Water Industry Act 1991 (c. 56) or section 22, 33, 45 or 62 of the Enterprise Act 2002; and

“special reference group” means any group constituted in connection with a reference or (in the case of the Financial Services and Markets Act 2000 (c. 8)) an investigation under—

    - (a) section 11 of the Competition Act 1980 (c. 21);
    - (b) <sup>F37</sup> ...
    - (c) section 43 of the Airports Act 1986 (c. 31);
    - (d) section 24 or 41E of the Gas Act 1986 (c. 44);
    - (e) section 12 or 56C of the Electricity Act 1989 (c. 29);
    - (f) <sup>F37</sup> ...
    - (g) section 12 [<sup>F38</sup>, 14 or 17K] of the Water Industry Act 1991 (c. 56);
    - (h) article 15 of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1));

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- (i) section 13 of, or Schedule 4A to, the Railways Act 1993 (c. 43);
- (j) article 34 of the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1));
- (k) article 15 of the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2));
- (l) section 15 of the Postal Services Act 2000 (c. 26);
- (m) section 162 or 306 of the Financial Services and Markets Act 2000 (c. 8);<sup>F37</sup>...
- (n) section 12 of the Transport Act 2000 (c. 38).<sup>F39</sup>...
- (o) [<sup>F40</sup>section 193 of the Communications Act 2003][<sup>F41</sup>; or]
- (p) [<sup>F41</sup>article 3 of the Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005.]

#### Textual Amendments

- F36** Sch. 7 para. 19A inserted (20.6.2003) by Enterprise Act 2002 (c. 40), ss. 187(3), 279; S.I. 2003/1397, art. 2(1), Sch.
- F37** Words in Sch. 7 para. 19A(9) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) Note 1 (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F38** Words in Sch. 7 para. 19A(9) substituted (1.12.2005) by Water Act 2003 (c. 37), s. 105(3), Sch. 8 para. 54; S.I. 2005/2714, art. 3(c)
- F39** Word in Sch. 7 para. 19A(9) omitted (11.11.2005) by virtue of The Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/3172), art. 1(1), Sch. para. 3(a)(i)
- F40** Words in Sch. 7 para. 19A(9) inserted (25.7.2003 for specified purposes) by Communications Act 2003 (c. 21), s. 411(2), Sch. 17 para. 153(3) (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))
- F41** Words in Sch. 7 para. 19A(9) added (11.11.2005) by The Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/3172), art. 1(1), Sch. para. 3(a)(ii)

#### Modifications etc. (not altering text)

- C11** Sch. 7 para. 19A(9) amended (20.6.2003) by The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (S.I. 2003/1592), art. 1(1), Sch. 4 para. 15(2)(b)

#### *Effect of exercise of functions by group*

- 20 (1) Subject to [<sup>F42</sup>sub-paragraph (2)][<sup>F42</sup>sub-paragraphs (2) to (9)], anything done by or in relation to a group in, or in connection with, the performance of functions to be performed by the group is to have the same effect as if done by or in relation to the Commission.
- [<sup>F43</sup>(2) For the purposes of Part 3 of the Enterprise Act 2002 (mergers) any decision of a group under section 35(1) or 36(1) of that Act (questions to be decided on non-public interest merger references) that there is an anti-competitive outcome is to be treated as a decision under that section that there is not an anti-competitive outcome if the decision is not that of at least two-thirds of the members of the group.
- (3) For the purposes of Part 3 of the Act of 2002, if the decision is not that of at least two-thirds of the members of the group—

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- (a) any decision of a group under section 47 of that Act (questions to be decided on public interest merger references) that a relevant merger situation has been created is to be treated as a decision under that section that no such situation has been created;
  - (b) any decision of a group under section 47 of that Act that the creation of a relevant merger situation has resulted, or may be expected to result, in a substantial lessening of competition within any market or markets in the United Kingdom for goods or services is to be treated as a decision under that section that the creation of that situation has not resulted, or may be expected not to result, in such a substantial lessening of competition;
  - (c) any decision of a group under section 47 of that Act that arrangements are in progress or in contemplation which, if carried into effect, will result in the creation of a relevant merger situation is to be treated as a decision under that section that no such arrangements are in progress or in contemplation; and
  - (d) any decision of a group under section 47 of that Act that the creation of such a situation as is mentioned in paragraph (c) may be expected to result in a substantial lessening of competition within any market or markets in the United Kingdom for goods or services is to be treated as a decision under that section that the creation of that situation may be expected not to result in such a substantial lessening of competition.
- (4) For the purposes of Part 3 of the Act of 2002, if the decision is not that of at least two-thirds of the members of the group—
- (a) any decision of a group under section 63 of that Act (questions to be decided on special public interest merger references) that a special merger situation has been created is to be treated as a decision under that section that no such situation has been created; and
  - (b) any decision of a group under section 63 of that Act that arrangements are in progress or in contemplation which, if carried into effect, will result in the creation of a special merger situation is to be treated as a decision under that section that no such arrangements are in progress or in contemplation.
- (5) For the purposes of Part 4 of the Act of 2002 (market investigations), if the decision is not that of at least two-thirds of the members of the group, any decision of a group under section 134 or 141 (questions to be decided on market investigation references) that a feature, or combination of features, of a relevant market prevents, restricts or distorts competition in connection with the supply or acquisition of any goods or services in the United Kingdom or a part of the United Kingdom is to be treated as a decision that the feature or (as the case may be) combination of features does not prevent, restrict or distort such competition.
- (6) Accordingly, for the purposes of Part 4 of the Act of 2002, a group is to be treated as having decided under section 134 or 141 that there is no adverse effect on competition if—
- (a) one or more than one decision of the group is to be treated as mentioned in sub-paragraph (5); and
  - (b) there is no other relevant decision of the group.
- (7) In sub-paragraph (6) “relevant decision” means a decision which is not to be treated as mentioned in sub-paragraph (5) and which is that a feature, or combination of features, of a relevant market prevents, restricts or distorts competition in connection with the supply or acquisition of any goods or services in the United Kingdom or a part of the United Kingdom.

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- (8) Expressions used in sub-paragraphs (2) to (7) shall be construed in accordance with Part 3 or (as the case may be) 4 of the Act of 2002.
- (9) Sub-paragraph (1) is also subject to specific provision made by or under other enactments about decisions which are not decisions of at least two-thirds of the members of a group.]

#### Textual Amendments

- F42** Words in Sch. 7 para. 20(1) substituted (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 11 para. 11\(2\)](#); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)
- F43** Sch. 7 para. 20(2)-(9) substituted for Sch. 7 para. 20(2) (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 11 para. 11\(3\)](#); S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 8); S.I. 2004/3233, art. 2, Sch. (with arts. 3-5)

#### Modifications etc. (not altering text)

- C12** Sch. 7 para. 20(4)(a) amended (20.6.2003) by [The Enterprise Act 2002 \(Protection of Legitimate Interests\) Order 2003 \(S.I. 2003/1592\), art. 1\(1\), Sch. 4 para. 15\(2\)\(e\)](#)
- C13** Sch. 7 para. 20(4) amended (20.6.2003) by [The Enterprise Act 2002 \(Protection of Legitimate Interests\) Order 2003 \(S.I. 2003/1592\), art. 1\(1\), Sch. 4 para. 15\(2\)\(c\)](#)
- C14** Sch. 7 para. 20(4)(a)(b) amended (20.6.2003) by [The Enterprise Act 2002 \(Protection of Legitimate Interests\) Order 2003 \(S.I. 2003/1592\), art. 1\(1\), Sch. 4 para. 15\(2\)\(d\)](#)
- C15** Sch. 7 para. 20(2)(a) modified (1.4.1999) by 1980 c. 21, [s. 11\(9\)](#) (as substituted (1.4.1999) by 1998 c. 41, s. 74(1), [Sch. 12 para. 4\(3\)\(c\)](#) (with s. 73); S.I. 1999/505, art. 2, [Sch. 2](#))

#### Marginal Citations

- M3** 1958 c. 47.
- M4** S.I. 1982/1080 (N.I. 12).

#### *Casting votes*

- 21 The chairman of a group is to have a casting vote on any question to be decided by the group.

#### *Newspaper merger references*

- 22 <sup>[F44]</sup>There are to be members of the Commission appointed by the Secretary of State to form a panel of persons available] for selection as members of a group constituted in connection with a newspaper merger reference.

#### Textual Amendments

- F44** Words in Sch. 7 para. 22 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 11 para. 12](#); S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)

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### F45 PART III

#### APPEALS

##### Textual Amendments

**F45** Sch. 7 Pt. III repealed (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 5 para. 7(6), Sch. 26; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)

#### *Interpretation*

23 .....

#### *Training of appeal panel members*

24 .....

#### *Acting President*

25 .....

#### *Panel of tribunal chairmen*

26 .....

#### *Constitution of tribunals*

27 .....

### PART IV

#### MISCELLANEOUS

#### *Disqualification of members for House of Commons*

28 In Part II of Schedule 1 to the <sup>M5</sup>House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) insert at the appropriate place— “The Competition Commission”.

##### Marginal Citations

**M5** 1975 c. 24.

#### *Disqualification of members for Northern Ireland Assembly*

29 In Part II of Schedule 1 to the <sup>M6</sup>Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified) insert at the appropriate place— “The Competition Commission”.



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**Marginal Citations**

**M6** 1975 c. 25.

**PART V**

TRANSITIONAL PROVISIONS

*Interpretation*

- 30 In this Part of this Schedule—
- “commencement date” means the date on which section 45 comes into force; and
- “MMC” means the Monopolies and Mergers Commission.

*Chairman*

- 31 (1) The person who is Chairman of the MMC immediately before the commencement date is on that date to become both a member of the Commission and its chairman as if he had been duly appointed under paragraphs 2(1)(b) and 3.
- (2) He is to hold office as Chairman of the Commission for the remainder of the period for which he was appointed as Chairman of the MMC and on the terms on which he was so appointed.

*Deputy chairmen*

- 32 The persons who are deputy chairmen of the MMC immediately before the commencement date are on that date to become deputy chairmen of the Commission as if they had been duly appointed under paragraph 3(2).

*Reporting panel members*

- 33 (1) The persons who are members of the MMC immediately before the commencement date are on that date to become members of the Commission as if they had been duly appointed under paragraph 2(1)(b).
- (2) Each of them is to hold office as a member for the remainder of the period for which he was appointed as a member of the MMC and on the terms on which he was so appointed.

*Specialist panel members*

- 34 (1) The persons who are members of the MMC immediately before the commencement date by virtue of appointments made under any of the enactments mentioned in paragraph 2(1)(d) are on that date to become members of the Commission as if they had been duly appointed to the Commission under the enactment in question.
- (2) Each of them is to hold office as a member for such period and on such terms as the Secretary of State may determine.

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*Status: Point in time view as at 20/07/2007.*

*Changes to legislation: Competition Act 1998, SCHEDULE 7 is up to date with all changes known to be in force on or before 08 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)*

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*Secretary*

- 35 The person who is the secretary of the MMC immediately before the commencement date is on that date to become the secretary of the Commission as if duly appointed under paragraph 9, on the same terms and conditions.

*Council*

- 36 (1) The members who become deputy chairmen of the Commission under paragraph 32 are also to become members of the Council as if they had been duly appointed under paragraph 5(2)(c).
- (2) Each of them is to hold office as a member of the Council for such period as the Secretary of State determines.

**Status:**

Point in time view as at 20/07/2007.

**Changes to legislation:**

Competition Act 1998, SCHEDULE 7 is up to date with all changes known to be in force on or before 08 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.