



# Financial Services and Markets Act 2000

## 2000 CHAPTER 8

### PART X

#### RULES AND GUIDANCE

### CHAPTER III

#### COMPETITION SCRUTINY

#### **160 Reports by Director General of Fair Trading**

- (1) The Director must keep the regulating provisions and the Authority's practices under review.
- (2) If at any time the Director considers that—
  - (a) a regulating provision or practice has a significantly adverse effect on competition, or
  - (b) two or more regulating provisions or practices taken together, or a particular combination of regulating provisions and practices, have such an effect,he must make a report to that effect.
- (3) If at any time the Director considers that—
  - (a) a regulating provision or practice does not have a significantly adverse effect on competition, or
  - (b) two or more regulating provisions or practices taken together, or a particular combination of regulating provisions and practices, do not have any such effect,he may make a report to that effect.
- (4) A report under subsection (2) must include details of the adverse effect on competition.
- (5) If the Director makes a report under subsection (2) he must—

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*Status: This is the original version (as it was originally enacted).*

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- (a) send a copy of it to the Treasury, the Competition Commission and the Authority; and
  - (b) publish it in the way appearing to him to be best calculated to bring it to the attention of the public.
- (6) If the Director makes a report under subsection (3)—
- (a) he must send a copy of it to the Treasury, the Competition Commission and the Authority; and
  - (b) he may publish it.
- (7) Before publishing a report under this section the Director must, so far as practicable, exclude any matter which relates to the private affairs of a particular individual the publication of which, in the opinion of the Director, would or might seriously and prejudicially affect his interests.
- (8) Before publishing such a report the Director must, so far as practicable, exclude any matter which relates to the affairs of a particular body the publication of which, in the opinion of the Director, would or might seriously and prejudicially affect its interests.
- (9) Subsections (7) and (8) do not apply in relation to copies of a report which the Director is required to send under subsection (5)(a) or (6)(a).
- (10) For the purposes of the law of defamation, absolute privilege attaches to any report of the Director under this section.