



Enterprise and Regulatory Reform Act 2013

2013 CHAPTER 24

PART 4

COMPETITION REFORM

CHAPTER 4

CARTELS

48 Extension of power to issue warrants to CAT

- (1) Section 194 of the 2002 Act (power to enter premises under a warrant) is amended as follows.
- (2) In subsection (1), for the words from the beginning to “if he is satisfied” substitute “ On an application made to it by the CMA or, in Scotland, the procurator fiscal, the appropriate body may issue a warrant if it is satisfied ”.
- (3) After subsection (1) insert—
 - “(1A) In subsection (1), “appropriate body” means—
 - (a) in England and Wales and Northern Ireland, the High Court or the Competition Appeal Tribunal;
 - (b) in Scotland, the sheriff.”
- (4) After subsection (4) insert—
 - “(4A) An application for a warrant under this section must be made—
 - (a) in the case of an application to the High Court or the sheriff, in accordance with rules of court;
 - (b) in the case of an application to the Competition Appeal Tribunal, in accordance with rules made under section 15.”

Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Section 48. (See end of Document for details)

(5) In Schedule 4 to that Act, before paragraph 11, but after the cross-heading immediately preceding it, insert—

“10A (1) Tribunal rules may make provision as to proceedings on an application for a warrant under section 194 of this Act or section 28, 28A, 62, 62A, 63, 65G or 65H of the 1998 Act, including provision—

- (a) for the Tribunal dealing with the proceedings to consist only of the President or a member of the panel of chairmen;
- (b) as to the manner in which the proceedings are to be conducted, including provision—
 - (i) for such applications to be determined without a hearing;
 - (ii) in cases where there is a hearing, for it to be held in private if the Tribunal considers it appropriate because it is considering information of a kind mentioned in paragraph 1(2);
- (c) as to the persons entitled to be heard in such proceedings (where there is a hearing);
- (d) for requiring persons to attend to give evidence and produce documents, and for authorising the administration of oaths to witnesses;
- (e) as to the evidence which may be required or admitted and the extent to which it should be oral or written;
- (f) allowing the Tribunal to fix time-limits with respect to any aspect of the proceedings and to extend any time-limit (before or after its expiry).

(2) Paragraphs 2 to 8, and 11 to 17, of this Schedule do not apply in relation to the institution or conduct of proceedings for a warrant mentioned in sub-paragraph (1).”

(6) In section 14 of that Act (constitution of Tribunal for particular proceedings and its decisions), in subsection (5), for “paragraph 18” substitute “ paragraphs 10A(1)(a) and 18 ”.

Commencement Information

- I1** S. 48 partly in force; s. 48 in force for specified purposes at Royal Assent, see s. 103(1)(i)
- I2** S. 48 in force at 1.4.2014 in so far as not already in force by S.I. 2014/416, art. 2(1)(b) (with Sch.)

Changes to legislation:

There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Section 48.