
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 11th January 1999 certain provisions of the Competition Act 1998.

Article 2 brings into force provisions in sections 3 and 19 which provide powers to add to, amend or remove exclusions from the Chapter I and II prohibitions in Schedules 1 and 3, and also brings into force those Schedules. It brings into force Schedule 4 which provides for designation of professional rules and their exclusion from the Chapter I prohibition. It brings into force amendments to section 94 of the Environment Act 1995 to confer powers to make provision for the application of the Competition Act 1998 to producer responsibility schemes. It also brings into force section 50 which confers power to exclude vertical agreements and land agreements from the Chapter I prohibition.

Article 2 brings into force the power in section 12(3) to make regulations for the application of sections 13 to 16 and Schedule 5 (which provide for notification of agreements for guidance and decisions, and for the effect of such guidance and decisions) in respect of agreements in respect of which an exclusion is withdrawn (or withdrawal is being considered). It brings into force section 53 which gives the Director power to charge fees for functions to be specified in rules made under section 51. It brings into force powers in section 54 to make regulations in respect of the exercise of concurrent functions by regulators. It brings into force the requirement in section 38 for the Director to publish guidance as to penalties that may be payable for breach of the prohibitions. It also brings into force section 57 which provides immunity for the purposes of defamation for the Director's advice, guidance, decisions etc.; and sections 59 and 60 which provide for the interpretation of words and expressions in Part I of the Act and the principles to be applied in the interpretation of Part I.

Article 2 brings into force the power in section 55 to specify additional persons and functions to whom, and for the purposes of which, information held subject to the Act's requirements as to confidentiality may be disclosed. It also brings into force amendments to enactments under which the disclosure of information is restricted to enable such information to be disclosed for the purposes of the Act. The enactments amended are: the Coal Industry Act 1994, the Competition Act 1980, the Consumer Protection Act 1987, the Electricity Act 1989, The Electricity (Northern Ireland) Order 1992, the Estate Agents Act 1979, the Fair Trading Act 1973, the Gas Act 1986, The Gas (Northern Ireland) Order 1996, the Railways Act 1993, the Telecommunications Act 1984, the Water Act 1989, the Water Industry Act 1991, and the Water Resources Act 1991.

Article 2 brings into force the repeal of section 83(1A) of the Fair Trading Act 1973 which requires a copy of an MMC report naming a person as monopolist to be transmitted to him 24 hours before the report is laid before Parliament and published.

Article 2 brings into force: the power to modify the application of sections 23 and 27 of the Restrictive Trade Practices Act 1976 (the RTPA) in respect of the maintenance of the register of agreements (registered under that Act) after the date when the prohibitions in the Competition Act 1998 come into force; and powers to modify the RTPA in respect of applications made under sections 3 and 26 of that Act which continue after that date. It also brings into force the powers to apply with modifications sections 13 to 16 and Schedule 5 of the Competition Act 1998 (providing for notification of agreements for guidance and decisions, and for the effect of such guidance and decisions) in respect of agreements which enjoy a transitional exclusion from the Chapter I prohibition.