
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st April 1999 certain provisions of the Competition Act 1998.

Article 2 brings into force section 45 which dissolves the Monopolies and Mergers Commission and transfers its functions to the Competition Commission and confers on the Secretary of State power by order to make consequential supplemental and incidental provisions. It brings into force Schedule 7, which makes provision for the constitution and functions of the Competition Commission, and sections 48, 49(3) and paragraph 1 and Part II of Schedule 8, which provide for appeals to appeal tribunals of the Competition Commission in respect of the decisions listed in section 46 and for rules to be made with respect to such appeals and appeal tribunals. It brings into force an amendment to the Tribunals and Inquiries Act 1992 (c. 53) to place the Competition Commission under the supervision of the Council on Tribunals.

Article 2 brings into force amendments to the Competition Act 1980 (c. 21), the Telecommunications Act 1984 (c. 12), the Gas Act 1986 (c. 44), the Airports Act 1986 (c. 31), the Electricity Act 1989 (c. 29), the Broadcasting Act 1990 (c. 42), the Water Industry Act 1991 (c. 56), the Railways Act 1993 (c. 43), the Electricity (Northern Ireland) Order 1992 (S.I.1992/231 (N.I. 1)), the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1)) and the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2)) to apply provisions of Schedule 7 to references made under those Acts and Orders (in place of provisions of Schedule 3 to the Fair Trading Act 1973). Also brought into force by Article 2 are amendments to the Telecommunications Act 1984, the Electricity Act 1989, the Water Industry Act 1991 and the Electricity (Northern Ireland) Order 1992 to apply the offence in section 93B of the Fair Trading Act 1973 of supplying false or misleading information in respect of certain functions of the Director General of Fair Trading under that Act, to the supply of such information to the Director General of Telecommunications, the Director General of Electricity Supply, the Director General of Water Services and the Director General of Electricity Supply for Northern Ireland in respect of their exercise of the same functions.

Article 2 brings into force amendments to the Competition Commission's powers of investigation in section 85 of the Fair Trading Act 1973.

Article 2 brings into force section 66 which amends section 44 of the Fair Trading Act 1973 which confers on the Director General of Fair Trading powers to conduct investigations in order to decide whether to make a monopoly reference or propose undertakings in lieu. It makes consequential amendments to the offences which may be committed in respect of such investigations. It brings into force paragraph 1 of Schedule 10 which provides that these amendments are also to have effect in respect of the jurisdiction of the Director General of Telecommunications, the Director General of Electricity Supply, the Director General of Electricity Supply for Northern Ireland, the Director General of Water Services, the Rail Regulator, the Director General of Gas Supply and the Director General of Gas Supply for Northern Ireland. Article 2 also brings into force the repeal of section 45 of the Fair Trading Act 1973 which conferred on the Director General of Fair Trading specific investigation powers in respect of complex monopolies.

Article 2 brings into force section 68 which amends the Fair Trading Act 1973 to give the Secretary of State power by order to extend the definition of services in respect of which monopoly references may be made, to ones which consist in, or in the making of arrangements in connection with, permitting the use of land.

Article 2 brings into force consequential repeals and amendments.