
STATUTORY INSTRUMENTS

2020 No. 1343

The Competition (Amendment etc.) (EU Exit) Regulations 2020

PART 7

Amendment of Part 7 of the 2019 Regulations: saving and transitional provision

CHAPTER 1

Competition Act 1998

Amendment of Part 4 of Schedule 4: Inspections and investigations under Parts 2 and 2A of the 1998 Act

37.—(1) Part 4 of Schedule 4 to the 2019 Regulations is amended as follows.

(2) Before paragraph 9, insert—

“**8C.**—(1) This paragraph applies where, on or after IP completion day, the European Commission has ordered an Article 20 inspection, an Article 21 inspection, or an Article 22(2) inspection (as defined in section 61 of the 1998 Act) in relation to a case in which it has continued competence in accordance with Article 92 of the EU withdrawal agreement.

(2) Despite its repeal by these Regulations, Part 2 of the 1998 Act continues to have effect on and after IP completion day.

(3) Part 4 of the 1998 Act has effect—

(a) as if, in subsection 72(1)(1), after “sections 42 to 44” there were inserted “or 65”;

(b) without the modifications made by regulations 26(3) and (4) of these Regulations;

(c) as if section 73(8)(b)(2) read “that may be conferred by a warrant under section 28, 28A, 62, 62A or 63”;

(d) without the modification made by regulation 27 of these Regulations.

(4) The Schedule to the Competition Act 1998 (Competition and Markets Authority’s Rules) Order 2014(3) has effect—

(a) as if, in rule 2, paragraph (1) read—

“These Regulations apply when the CMA takes investigation or enforcement action under the Act in relation to the Chapter I prohibition or the Chapter II prohibition, or investigation action under Part 2 of the Act in relation to the prohibition in Article 101(1) or Article 102”; and

(b) without the modifications made by paragraph 4(4) of Schedule 2 to these Regulations.”.

(3) In paragraph 9—

(1) Section 72(1) was amended by [S.I. 2004/1261](#).

(2) Section 73(8) was amended by [S.I. 2004/1261](#).

(3) [S.I. 2014/458](#).

- (a) for “On and after exit day” substitute “On and after IP completion day”;
 - (b) at the start of sub-paragraph (a), insert “except in relation to cases in which the European Commission has continued competence in accordance with Article 92 of the EU withdrawal agreement,”.
- (4) In paragraph 10, for “exit day” substitute “IP completion day, except where the warrant relates to a case in which the European Commission has continued competence in accordance with article 92 of the EU withdrawal agreement”.
- (5) In paragraphs 11 and 12, for each reference to “exit day” substitute “IP completion day”.