

SCHEDULES

SCHEDULE 3

Section 13

THE COMPETITION SERVICE

PART 1

CONSTITUTION ETC.

Membership of the Service

- 1 (1) The Service shall consist of—
 - (a) the President of the Competition Appeal Tribunal;
 - (b) the Registrar of the Competition Appeal Tribunal; and
 - (c) one or more appointed members.
- (2) An appointed member shall be appointed by the Secretary of State after consulting the President.

Chairman of Service

- 2 (1) Subject to sub-paragraph (2), the members shall choose one of their number to be chairman of the Service.
- (2) The Secretary of State shall designate one of the members to be the first chairman of the Service for such period as the Secretary of State may determine.

Appointed members

- 3 An appointed member shall hold and vacate office in accordance with the terms of his appointment (and is eligible for re-appointment).

Allowances, etc. for members

- 4 (1) The Service shall pay—
 - (a) such travelling and other allowances to its members, and
 - (b) such remuneration to any appointed member,as may be determined by the Secretary of State.
- (2) The Service shall, if required to do so by the Secretary of State—
 - (a) pay such pension, allowances or gratuities as may be determined by the Secretary of State to or in respect of a person who holds or has held office as an appointed member; or

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- (b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.

5 If, where any person ceases to hold office as an appointed member, the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, the Service shall pay to him such amount by way of compensation as the Secretary of State may determine.

Staff

- 6 (1) The Service may, with the approval of the Secretary of State as to numbers and terms and conditions of service, appoint such staff as it may determine.
- (2) The persons to whom section 1 of the Superannuation Act 1972 (c. 11) (persons to or in respect of whom benefits may be provided by schemes under that section) applies shall include the staff of the Service.
- (3) The Service shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (2) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Procedure

- 7 (1) The Service may regulate its own procedure (including quorum).
- (2) The validity of anything done by the Service is not affected by a vacancy among its members or by a defect in the appointment of a member.
- 8 (1) The application of the seal of the Service shall be authenticated by the signature of—
- (a) any member; or
- (b) some other person who has been authorised for that purpose by the Service, whether generally or specially.
- (2) Sub-paragraph (1) does not apply in relation to any document which is, or is to be, signed in accordance with the law of Scotland.
- 9 A document purporting to be duly executed under the seal of the Service, or signed on its behalf, shall be received in evidence and, unless the contrary is proved, be taken to be so executed or signed.

The Service's powers

- 10 The Service has power to do anything which is calculated to facilitate, or is conducive or incidental to, the performance of its functions.

Accounts

- 11 (1) The Service shall keep proper accounts and proper records in relation to its accounts.
- (2) In performing that duty the Service shall, in addition to accounts and records relating to its own activities (including the services provided to the Tribunal), keep separate accounts and separate records in relation to the activities of the Tribunal.
- 12 (1) The Service shall—

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- (a) prepare a statement of accounts in respect of each of its financial years; and
 - (b) prepare a statement of accounts for the Tribunal for each of its financial years.
- (2) The Service must send copies of the accounts required by sub-paragraph (1) to the Secretary of State and to the Comptroller and Auditor General before the end of August following the financial year to which they relate.
- (3) Those accounts must comply with any directions given by the Secretary of State with the approval of the Treasury as to—
 - (a) the information to be contained in them;
 - (b) the manner in which that information is to be presented; and
 - (c) the methods and principles according to which they are to be prepared.
- (4) The Comptroller and Auditor General shall—
 - (a) examine, certify and report on each statement of accounts received by him; and
 - (b) lay copies of each statement before Parliament.
- (5) In this paragraph “financial year” means the period of 12 months ending with 31st March.

PART 2

TRANSFERS OF PROPERTY ETC. BETWEEN THE COMMISSION AND THE SERVICE

- 13 (1) The Secretary of State may make one or more schemes for the transfer to the Service of defined property, rights and liabilities of the Commission (including rights and liabilities relating to contracts of employment).
- (2) A scheme may define the property, rights and liabilities to be transferred by specifying or describing them or by referring to all (or all except anything specified or described) of the property, rights and liabilities comprised in a specified part of the undertaking of the transferor.
- (3) The property, rights and liabilities which may be transferred include any that would otherwise be incapable of being transferred or assigned.
- (4) A scheme may include supplementary, incidental, transitional and consequential provision.
- 14 (1) On the day appointed by a scheme under paragraph 13, the property, rights and liabilities which are the subject of the scheme shall, by virtue of this sub-paragraph, be transferred in accordance with the provisions of the scheme.
- (2) If, after that day, the Commission and the Service so agree in writing, the scheme shall for all purposes be deemed to have come into force on that day with such modification as may be agreed.
- (3) An agreement under sub-paragraph (2) may, in connection with giving effect to modifications to the scheme, include supplemental, incidental, transitional and consequential provision.

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- 15 The transfer by paragraph 14(1) of the rights and liabilities relating to an individual's contract of employment does not break the continuity of his employment and, accordingly—
- (a) he is not to be regarded for the purposes of Part 11 of the Employment Rights Act 1996 as having been dismissed by virtue of the transfer; and
 - (b) his period of employment with the transferor counts as a period of employment with the transferee for the purposes of that Act.
- 16 (1) Anything done by or in relation to the transferor for the purposes of or in connection with anything transferred by paragraph 14(1) which is in effect immediately before it is transferred shall be treated as if done by or in relation to the transferee.
- (2) There may be continued by or in relation to the transferee anything (including legal proceedings) relating to anything so transferred which is in the process of being done by or in relation to the transferor immediately before it is transferred.
- (3) A reference to the transferor in any document relating to anything so transferred shall be taken (so far as necessary for the purposes of or in consequence of the transfer) as a reference to the transferee.
- (4) A transfer under paragraph 14(1) does not affect the validity of anything done by or in relation to the transferor before the transfer takes effect.

PART 3

MISCELLANEOUS

- 17 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), there is inserted at the appropriate place—
- “The Competition Service.”
- 18 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), there is inserted at the appropriate place—
- “The Competition Service.”