
*Changes to legislation: There are currently no known outstanding effects
for the Enterprise Act 2002, Part 1. (See end of Document for details)*

SCHEDULES

SCHEDULE 3

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.

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