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STATUTORY INSTRUMENTS

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**1999 No. 506**

**The Competition Act 1998 (Competition Commission) Transitional, Consequential and Supplemental Provisions Order 1999**

**PART II**

**Consequential amendments**

*Registered Designs Act 1949*

**9.** In the Registered Designs Act 1949(1) in section 11A(1) and (7) (powers exercisable for protection of the public interest) for “Monopolies and Mergers Commission” substitute “Competition Commission”.

*Agricultural Marketing Act 1958*

**10.** In the Agricultural Marketing Act 1958(2) in sections 19A(1) and (2) (powers exercisable following MMC report) and 47(2)(aa) (restrictions on disclosure of information) for “Monopolies and Mergers Commission” in each place where it occurs substitute “Competition Commission”.

*Public Records Act 1958*

**11.** In the Public Records Act 1958(3) in the list headed Part II at the end of paragraph 3 of Schedule 1 repeal the entry “Monopolies Commission” and insert in the appropriate place “Competition Commission”.

*Restrictive Trade Practices (Information Agreements) Order 1969*

**12.** In Part II of the Schedule to the Restrictive Trade Practices (Information Agreements) Order 1969(4) for “Monopolies Commission” in the 6th entry substitute “Competition Commission”.

*Superannuation Act 1972*

**13.** In the Superannuation Act 1972(5) in Schedule 1 in the list of other bodies (employment in respect of which the Minister for the Civil Service may make superannuation schemes) repeal the entry “Monopolies Commission” and insert in the appropriate place “Competition Commission”.

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(1) 1949 c. 88. Section 11A was inserted by section 270 of the Copyright, Designs and Patents Act 1988 (c. 48).  
(2) 1958 c. 47. Section 19A was inserted by section 127 of the Fair Trading Act 1973 and section 47(2)(aa) was inserted by Schedule 12 to that Act and amended by section 19(4)(a) of the Competition Act 1980 (c. 21).  
(3) 1958 c. 51.  
(4) S.I.1969/1842.  
(5) 1972 c. 11.

### *Fair Trading Act 1973*

**14.** In the Fair Trading Act 1973 in section 137(2) (interpretation) in the definition of “the Commission” for “Monopolies and Mergers” substitute “Competition”.

### *House of Commons Disqualification Act 1975*

**15.** In the House of Commons Disqualification Act 1975(6) in Part II of Schedule 1 (bodies of which all members are disqualified) repeal the entry for the Monopolies and Mergers Commission.

### *Northern Ireland Assembly Disqualification Act 1975*

**16.** In the Northern Ireland Assembly Disqualification Act 1975(7) in Part II of Schedule 1 (bodies of which all members are disqualified) repeal the entry for the Monopolies and Mergers Commission.

### *Patents Act 1977*

**17.** In the Patents Act 1977(8) in sections 51(1) (powers exercisable in consequence of report of MMC) and 53(2) (statements in reports to be prima facie evidence) for “Monopolies and Mergers Commission” in each place where it occurs substitute “Competition Commission”.

### *Telecommunications Act 1984*

- 18.** In the Telecommunications Act 1984(9)–
- (a) in section 13(1) (licence modification references to the Commission) and in the definition of “the Commission” in section 106(1) (interpretation) for “Monopolies and Mergers Commission” in each place where it occurs substitute “Competition Commission”; and
  - (b) in section 101(2)(b)(10) after “Director General of Fair Trading” insert “, the Commission”.

### *Airports Act 1986*

- 19.** In the Airports Act 1986(11)–
- (a) in section 36(1) (interpretation of Part IV, etc.) in the definition of “the Commission”, for “Monopolies and Mergers” substitute “Competition”;
  - (b) in section 74(3) (restriction on disclosure of information) after sub-paragraph (o) insert “(p) the Competition Act 1998.”; and
  - (c) in section 74(6) for “Monopolies and Mergers” substitute “Competition”.

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(6) 1975 c. 24. The Competition Commission is inserted in Part II of Schedule 1 by paragraph 28 of Schedule 7 to the Competition Act 1998.

(7) 1975 c. 25. The Competition Commission is inserted in Part II of Schedule 1 by paragraph 29 of Schedule 7 to the Competition Act 1998.

(8) 1977 c. 37. A new section 51 was substituted by paragraph 14 of Schedule 5 to the Copyright Designs and Patents Act 1988 (c. 48) paragraph 15 of which amended section 53(2).

(9) 1984 c. 12.

(10) Section 101(2)(b) has been amended by paragraph 68(2) of Schedule 25 to the Water Act 1989 (c. 15), paragraph 29(3) of Schedule 16 to the Electricity Act 1989 (c. 29), paragraph 29(a) of Schedule 12 to the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1)), Schedule 6 to the Gas (Northern Ireland) Order (S.I. 1996/275 (N.I. 2)), and paragraph 13(1) of Schedule 12 to the Railways Act 1993 (c. 43).

(11) 1986 c. 31. Sub-paragraph (o) was inserted by Regulation 29(4) of the EC Competition Law (Articles 88 and 89) Enforcement Regulations 1996 (S.I. 1996/2199).

### *Gas Act 1986*

#### **20.** In the Gas Act 1986(12)–

- (a) in section 24(1) (modification references to Monopolies Commission) for “Monopolies and Mergers Commission (in this Part referred to as “the Monopolies Commission”)” substitute “Competition Commission”;
- (b) in sections 24(1A), (2), (3), (4A), (5) and (6), 25(1), (2), (3) and (4) (reports on modification references), 26(1) (modification following report), 36A(6) and (8) (competition functions of the Director), 39(1)(b) (annual and other reports) and 42(2)(a) and (4)(a) (restrictions on disclosure of information) for “Monopolies Commission” in each place where it occurs substitute “Competition Commission”;
- (c) in section 42(2)(b) after “the Director General of Fair Trading,” insert “the Competition Commission,”;
- (d) in section 48(1) (interpretation of Part I and savings) repeal the entry for “the Monopolies Commission”; and
- (e) in paragraph 15(2) of Schedule 7 (annual and other reports) for “Monopolies and Mergers Commission” substitute “Competition Commission”.

### *Financial Services Act 1986*

**21.** In the Financial Services Act 1986(13), in sections 124(3) (consequential exemptions from competition law) and 180(7)(a) (exceptions from restrictions on disclosure) for “the Monopolies and Mergers Commission” in each place where it occurs substitute “the Competition Commission”.

### *Consumer Protection Act 1987*

**22.** In the Consumer Protection Act 1987(14), in section 38(6) (restrictions on disclosure of information) in the definition of “relevant person”, in paragraph (b) for “Monopolies and Mergers Commission” substitute “Competition Commission”.

### *Copyright, Designs and Patents Act 1988*

**23.** In the Copyright, Designs and Patents Act 1988(15) in sections 98(1) (undertaking to take licence of right), 144(1) (powers exercisable in consequence of report of Monopolies and Mergers Commission) and 238(1) (powers exercisable for protection of the public interest) and paragraph 17(1) of Schedule 2A (powers exercisable following MMC report), for “Monopolies and Mergers Commission” in each place where it occurs substitute “Competition Commission”.

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(12) 1986 c. 44. Schedule 3 to the Gas Act 1995 (c. 45) amended the Gas Act 1986; paragraph 22 substituted a new subsection 24(1), amended subsections (3) and (6) and inserted subsections (1A) and (4A); paragraph 23 amended section 25(1) and (2); paragraph 24 amended section 26(1); paragraph 43 inserted section 36A; and paragraph 54 amended section 48(1). Section 42(2)(b) has been amended by paragraph 77 of Schedule 25 to the Water Act 1989, paragraph 34(a) of the Electricity Act 1989, paragraph 24 of Schedule 12 to the Railways Act 1993 (c. 43) and regulation 7(6)(h)(i) of the Control of Misleading Advertisements Regulations 1988 (S.I. 1988/915). Section 42(4)(a) has been amended by paragraph 8 of Schedule 1 to the Competition and Services (Utilities) Act 1992 (c. 43).

(13) 1986 c. 60.

(14) 1987 c. 43. Section 38(6)(b) has been amended by paragraph 36 of Schedule 16 to the Electricity Act 1989, paragraph 31(b) of Schedule 12 to the Electricity (Northern Ireland) Order 1994 (S.I. 1992/231 (N.I. 1)), Schedule 6 to the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2)) and paragraph 26(3) of Schedule 12 to the Railways Act 1993 (c. 43).

(15) 1988 c. 48. Schedule 2A was inserted by regulation 22(2) of the Copyright and Related Rights Regulations 1996 (S.I. 1996/2967).

### *Electricity Act 1989*

**24.** In the Electricity Act 1989(16)–

- (a) in section 12(1) for “Monopolies and Mergers Commission (in this Part referred to as “the Monopolies Commission”)” substitute “Competition Commission”;
- (b) for “Monopolies Commission” substitute “Competition Commission” in each place where it occurs in sections 12(2), (3), (5), (6) and (7) (modification references to the Monopolies Commission), 13(1), (2), (3) and (4) (reports on modification references), 14(1) (modification following a report), 43(5) (competition functions of the Director), 50(1)(a)(ii) and (6) (annual and other reports) and 57(2)(a), (2)(b)(iii) and (5)(a) (general restrictions on disclosure of information); and
- (c) in section 64(1) (interpretation) repeal the entry for “the Monopolies Commission”.

### *Water Act 1989*

**25.** In the Water Act 1989(17) for “Monopolies Commission” substitute “Competition Commission” in each place where it occurs in section 174(2)(a), (2)(d)(iii) and (4)(a) (general restrictions on disclosure of information).

### *Companies Act 1989*

**26.** In the Companies Act 1989(18) in paragraph 8(3) of Schedule 14 (consequential exemption from competition law) for “Monopolies and Mergers Commission” substitute “Competition Commission”.

### *Financial Services (Disclosure of Information) (Designated Authorities) (No. 6) Order 1989*

**27.** In article 2(b) of the Financial Services (Disclosure of Information) (Designated Authorities) (No. 6) Order 1989(19) for “Monopolies and Mergers Commission” substitute “Competition Commission”.

### *Courts and Legal Services Act 1990*

**28.** In the Courts and Legal Services Act 1990(20) in section 50(2) (exceptions from restrictions on disclosure)–

- (a) after sub-paragraph (viii) of paragraph (m) insert–  
“(ix) the Competition Act 1998;” and
- (b) in paragraph (n) for “Monopolies and Mergers Commission” substitute “Competition Commission”, and for “and the Competition Act 1980” substitute “, the Competition Act 1980 and the Competition Act 1998”.

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(16) 1989 c. 29. Section 12 is amended by paragraph 12(2) of Schedule 10 to the Competition Act 1998 which substitutes new subsections for (8) and (9) and inserts new subsections (8A) and (9A).

(17) 1989 c. 15. Section 174(2)(a) and (b) have been amended by paragraph 50(2)(a) of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60) and by paragraph 3(2) of Schedule 2 to the Environment Act 1995 (Consequential Amendments) Regulations 1996 (S.I. 1996/593); section 174(4)(a) has been amended by paragraph 50(2)(d) of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 and paragraph 3(4) of Schedule 2 to the Environment Act 1995 (Consequential Amendments) Regulations 1996.

(18) 1989 c. 40.

(19) S.I. 1989/2009.

(20) 1990 c. 41.

*Broadcasting Act 1990*

**29.** In the Broadcasting Act 1990(21)–

- (a) in sections 2(3) (regulation by Independent Television Commission of provision of television services) and 85(4) (licensing functions of Radio Authority) for “Monopolies and Mergers Commission” in each place where it occurs substitute “Competition Commission”;
- (b) in section 197 (restriction on disclosure of information) in subsection (2)(a)(ii) for “Monopolies and Mergers Commission” substitute “Competition Commission” and after “the Competition Act 1980” insert “, the Competition Act 1998” and in subsection (2)(c) after “the Restrictive Trade Practices Act 1976” insert “, the Competition Act 1998”;
- (c) in Schedule 4(22) (references with respect to networking arrangements):
  - (i) in paragraph 2(3) for “Monopolies and Mergers Commission (“the MMC)” substitute “Competition Commission”;
  - (ii) in paragraphs 3(2), 4(1) and (3) to (6), 5, 6(1), 8(4) and 9(1) for “MMC” in each place where it occurs substitute “Competition Commission”;
  - (iii) in paragraphs 1(6), 2(2), 3(1)(a) and (b) and (3), 4(1), 5(4)(b), 6(1)(a) and (b), and 7(3) for “Commission” in each place where it occurs substitute “ITC”;
  - (iv) in paragraph 10 repeal the entry for “the MMC” and after the entry for “the Director” insert:

““the ITC” means the Independent Television Commission.”.

*Water Industry Act 1991*

**30.** In the Water Industry Act 1991(23)–

- (a) in section 12(2)(b) (determinations under conditions of appointment) for “Monopolies and Mergers Commission (in this Act referred to as “the Monopolies Commission)”” substitute “Competition Commission”;
- (b) in sections 12(3) to (5), 14(1) to (3), (5) and (6) (modification references to the Monopolies Commission), 15(1) to (4) (reports on modification references), 16(1) (modification following report), 31(7) (functions of the Director with respect to competition), 32(1) (duty to refer merger of water or sewerage undertakings), 34(2)(a), (3) and (4) (references with respect to water enterprise mergers), 193(1)(b) (reports by the Director), 195(2)(b) (the Director’s register) and 206(3)(a) and (4)(a) (restrictions on disclosure of information) and Part I of Schedule 15 (persons in respect of whose functions disclosure may be made) for “Monopolies Commission” in each place where it occurs substitute “Competition Commission”; and
- (c) in section 219(1) (interpretation) repeal the entry for “the Monopolies Commission”.

*Water Resources Act 1991*

**31.** In the Water Resources Act 1991(24)–

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(21) 1990 c. 42.

(22) Schedule 4 is amended by paragraph 14(3) of Schedule 12 to the Competition Act 1998 which substitutes a new sub-paragraph (7) and inserts a new sub-paragraph (7A) in paragraph 4.

(23) 1991 c. 56. Section 14 is amended by paragraph 13(3) of Schedule 10 to the Competition Act 1998 which substitutes new subsections for (7) and (8) and inserts new subsections (7A) and (8A); section 206(3)(a) was amended by paragraph 121(2) of Schedule 22 to the Environment Act 1995 (c. 25) and section 206(4)(a) was amended by paragraph 27 of Schedule 1 to the Competition and Services (Utilities) Act 1992 (c. 43) and paragraph 121(3) of Schedule 22 to the Environment Act 1995.

(24) 1991 c. 57. Section 207(2)(a) has been amended by paragraph 173 of Schedule 22 to the Environment Act 1995 (c. 25).

- (a) in section 204(2)(a) and (3)(a)(iv) (restriction on disclosure of information) for “Monopolies Commission” in each place where it occurs substitute “Competition Commission”; and
- (b) in Part I of Schedule 24 (persons in respect of whose functions disclosure may be made) for the entry “The Monopolies and Mergers Commission” substitute “The Competition Commission”.

#### *Water Consolidation (Consequential Provisions) Act 1991*

**32.** In the Water Consolidation (Consequential Provisions) Act 1991<sup>(25)</sup> in paragraph 24(2) of Schedule 1 (modification of Director General of Fair Trading’s duty to report under the Fair Trading Act 1973) for “Monopolies and Mergers Commission” substitute “Competition Commission”.

#### *Railways Act 1993*

**33.** In the Railways Act 1993<sup>(26)</sup>—

- (a) in section 13(1) (modification references to the Monopolies Commission for “Monopolies and Mergers Commission (in this Act referred to as the “Monopolies Commission”)” substitute “Competition Commission”;
- (b) in sections 13(2), (3), (5) to (7), 14(1) to (4) (reports on modification references), 15(1) (modification following report), 67(5) to (7) and (9) (respective functions of the Regulator and the Director General of Fair Trading, and functions of the Monopolies Commission), 74(1)(b) and (7) (annual and other reports of the Regulator) and 145(2)(a), (2)(b)(iii) and (5)(a) (general restrictions on disclosure of information) for “Monopolies Commission” in each place where it occurs substitute “Competition Commission”; and
- (c) in section 151(1) (interpretation) repeal the entry for “the Monopolies Commission”.

#### *Coal Industry Act 1994*

**34.** In the Coal Industry Act 1994<sup>(27)</sup> in section 59(3)(e)(iv) (information to be kept confidential by the Authority) for “Monopolies Commission” substitute “Competition Commission”.

#### *Public Supply Contracts Regulations 1995*

**35.** In the Public Supply Contracts Regulations 1995<sup>(28)</sup> in Schedule 1 (GATT contracting authorities) in the entries under the heading “Department of Trade and Industry” for “Monopolies and Mergers Commission” substitute “Competition Commission”.

#### *Uncertificated Securities Regulations 1995*

**36.** In the Uncertificated Securities Regulations 1995<sup>(29)</sup> in paragraph 5(3) of Schedule 2 (exemptions from the Fair Trading Act 1973) for “Monopolies and Mergers Commission” substitute “Competition Commission”.

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<sup>(25)</sup> 1991 c. 60.

<sup>(26)</sup> 1993 c. 43.

<sup>(27)</sup> 1994 c. 21.

<sup>(28)</sup> S.I. 1995/201.

<sup>(29)</sup> S.I. 1995/3272.

*EC Competition Law (Articles 88 and 89) Enforcement Regulations 1996*

**37.** In the EC Competition Law (Articles 88 and 89) Enforcement Regulations 1996**(30)** (regulations for the procedure for, nature of and enforcement of decisions concerning competition between undertakings)–

- (a) in regulation 2(1) repeal the entry for the MMC and insert in the appropriate place:
  - ““the CC” means the Competition Commission”;
- (b) in regulations 4(4), and (5), 5(3) and (4), 9(2), 10 to 13, 14(1), 15 to 18, 19(1)(a) and (2), 20(6)(b) and (7) to (9), 21(2)(a), (3)(a), (4)(a) and (5), 25, 28(2)(a) and (4)(a) and 30 for “MMC” in each place where it occurs substitute “CC”;
- (c) in regulation 16–
  - (i) in the introductory words repeal “81 (procedures in carrying out investigations),” and for “Part II of Schedule 3 (performance of functions of the MMC)” substitute “Part II of Schedule 7 to the Competition Act 1998 (performance of the CC’s general functions)”;
  - (ii) repeal paragraph (f); and
  - (iii) for paragraph (g) substitute “(g) paragraph 20 of Schedule 7 were omitted”; and
- (d) in regulation 28(2)(a) after “Part IV of the Airports (Northern Ireland) Order 1994”, insert “Competition Act 1998.”.

*Economic Regulation of Airports (Expenses of the Monopolies and Mergers Commission) Regulations 1997*

**38.** In the Economic Regulation of Airports (Expenses of the Monopolies and Mergers Commission) Regulations 1997**(31)**–

- (a) in regulation 2 (interpretation) insert after the definition of “annual turnover”:
  - ““Commission” means the Competition Commission”;
- (b) in the Schedule in the heading to the form of statement to be prepared pursuant to regulation 4(1), for “Monopolies and Mergers Commission” substitute “Competition Commission”.

*Copyright and Rights in Databases Regulations 1997*

**39.** In the Copyright and Rights in Databases Regulations 1997**(32)** in paragraph 15(1) of Schedule 2 (action following report by Monopolies and Mergers Commission) for “Monopolies and Mergers Commission” substitute “Competition Commission”.

**Consequential amendments: Northern Ireland**

*Agricultural Marketing (Northern Ireland) Order 1982*

**40.** In the Agricultural Marketing (Northern Ireland) Order 1982**(33)** in article 42 (powers exercisable following MMC report) for “Monopolies and Mergers Commission” substitute “Competition Commission”.

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**(30)** S.I. 1996/2199.

**(31)** S.I. 1997/403.

**(32)** S.I. 1997/3032.

**(33)** S.I. 1982/1080 (N.I. 2).

*Companies (NI) Order 1990*

**41.** In the Companies (NI) Order 1990**(34)**–

- (a) in paragraph 8(3) of Schedule 14 (consequential exemptions from competition law) for “Monopolies and Mergers Commission” substitute “Competition Commission”.

*Electricity (Northern Ireland) Order 1992*

**42.** In the Electricity (Northern Ireland) Order 1992**(35)**–

- (a) in article 3 (interpretation) repeal the entry for the Monopolies Commission; and
- (b) in articles 15(1) to (3), and (5) to (7)**(36)** (modification references to the Monopolies Commission), 16(1) to (4) (reports on modification references), 17(1) (modification following report), 46(2)(b), (3), (5), (6) (functions with respect to competition), 53(1)(a) (ii) and (6) (annual and other reports) and 61(2)(a), (b)(iv) and (5)(a) (general restrictions on disclosure of information) for “Monopolies Commission” in each place in which it occurs substitute “Competition Commission”.

*Airports (Northern Ireland) Order 1994*

**43.** In the Airports (Northern Ireland) Order 1994**(37)**–

- (a) in article 27(1) (interpretation) in the entry for “the Commission” for “Monopolies and Mergers Commission” substitute “Competition Commission”; and
- (b) in article 49(3) after sub-paragraph (r) (restrictions on disclosure of information) insert:  
“(s) the Competition Act 1998.”.

*Gas (Northern Ireland) Order 1996*

**44.** In the Gas (Northern Ireland) Order 1996**(38)** for “Monopolies Commission” substitute “Competition Commission” in each place in which it occurs in articles 15(1) to (4) and (6) to (8) (modification references to the Monopolies Commission), 16(1) to (4) (reports on modification references), 17(1) (modification following report), 23(2)(b), (3) and (5) to (7) (functions with respect to competition) and 44(3)(a), (b)(iv) and (6)(a) (general restrictions on disclosure of information).

**Revocations**

**45.** The following instruments are hereby revoked–

- (a) The Monopolies and Mergers Commission (Performance of Functions) Order 1989**(39)**; and
- (b) The Monopolies and Mergers Commission (Membership of Groups for Newspaper Merger References) Order 1982**(40)**.

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**(34)** S.I. [1990/593 \(N.I. 5\)](#).

**(35)** S.I. [1992/231 \(N.I. 1\)](#). Article 46(6) is amended by paragraph 7(2) of Schedule 2 and paragraph 3(c) of Schedule 4 to the Deregulation and Contracting Out Act [1994 \(c. 40\)](#).

**(36)** Paragraph 17(2) of Schedule 10 to the Competition Act 1998 amends article 15 by substituting for paragraphs (8) and (9) new paragraphs (8) to (9A).

**(37)** S.I. [1994/426 \(N.I. 1\)](#). Article 49(3)(r) was inserted by regulation 29(5) of the EC Competition Law (Articles 88 and 89) Enforcement Regulations 1996 (S.I. [1996/2199](#)).

**(38)** S.I. [1996/275 \(N.I. 2\)](#). Article 15 is amended by paragraph 18(2) of Schedule 10 to the Competition Act 1998 which substitutes for paragraph (9) new paragraphs (9) and (9A).

**(39)** S.I. [1989/122](#).

**(40)** S.I. [1982/1889](#).



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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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