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STATUTORY INSTRUMENTS

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**1993 No. 2810**

**The Education and Libraries (Northern Ireland) Order 1993**

**PART II**

**COMPETITION**

*Miscellaneous*

**Power to define conduct as competitive or anti-competitive**

**15.**—(1) The Department may by regulations make provision, for the purposes of the condition set out in Article 5(5) or 7(6), for conduct described in the regulations to be regarded, in accordance with the regulations and in such circumstances as may be so described—

- (a) as conduct which has the effect of restricting, preventing or distorting competition or is likely to have that effect; or
- (b) as conduct which does not have that effect and is not likely to have that effect.

(2) Without prejudice to the generality of paragraph (1) or to any power conferred by Article 8, regulations under this Article may—

- (a) prescribe the matters which are to be taken into account, or disregarded, in the course of any evaluation made for the purpose of deciding who should undertake or carry out particular work;
- (b) prescribe the manner in which, or extent to which, any matter described in the regulations is to be so taken into account or disregarded;
- (c) prescribe maximum and minimum periods for the periods which are required, by virtue of sub-paragraphs (b) and (d) of paragraph (1) of Article 7, to be specified in a notice published for the purposes of that paragraph;
- (d) prescribe a maximum and a minimum period for the period which is to elapse, in a case where a notice has been so published, between—
  - (i) the announcement of the decision as to who should carry out the work in question; and
  - (ii) the beginning of the period during which the work is to be carried out;
- (e) make provision for the issue by the Department of guidance as to how conduct restricting, distorting or preventing competition is to be avoided in the doing of anything under or for the purposes of this Part; and
- (f) require the extent (if any) to which there has been a contravention of guidance issued by the Department under the regulations to be taken into account in any determination of whether or not a condition mentioned in paragraph (1) has been fulfilled.