



# Competition Act 1980

## 1980 CHAPTER 21

An Act to abolish the Price Commission; to make provision for the control of anti-competitive practices in the supply and acquisition of goods and the supply and securing of services; to provide for references of certain public bodies and other persons to the Monopolies and Mergers Commission; to provide for the investigation of prices and charges by the Director General of Fair Trading; to provide for the making of grants to certain bodies; to amend and provide for the amendment of the Fair Trading Act 1973; to make amendments with respect to the Restrictive Trade Practices Act 1976; to repeal the remaining provisions of the Counter-Inflation Act 1973; and for purposes connected therewith. [3rd April 1980]

### Modifications etc. (not altering text)

- C1 Act excluded by [Financial Services Act 1986](#) (c. 60, SIF 69), ss. 126(1), 140, Sch. 11 paras. 12(1)(2), [36\(2\)](#)
- C2 Act amended by [Electricity Act 1989](#) (c. 29, SIF 44:1), [s. 100\(1\)](#); by [Companies Act 1989](#) (c. 40, SIF 27), s. 47(1), [Sch. 14 para. 10\(1\)\(2\)](#) and by S.I. 1990/593, art. 49(1), [Sch. 14 para. 10\(1\)](#)  
Act amended (1.4.1996) by S.I. 1996/593, reg. 2, [Sch. 1](#)
- C3 Act modified (E.W.) (1.11.1991) by [New Roads and Street Works Act 1991](#) (c. 22, SIF 59, 108), [ss. 10\(1\)\(b\), 12\(4\)](#) (with s. 25(2)); S.I. 1991/2288, [art. 3](#), Sch.
- C4 Act modified (S.) (21.10.1991) by [New Roads and Street Works Act 1991](#) (c. 22, SIF 59, 108), [s. 33\(1\)\(b\)](#) (with s. 47(4)); S.I. 1991/2286, art. 2, [Sch. 1](#)
- C5 Act: power to apply conferred (E.W.) (1.12.1991) by [Water Industry Act 1991](#) (c. 56, SIF 130), [ss. 12\(5\), 223\(2\)](#) (with [ss. 82\(3\), 186\(1\), 222\(1\)](#), Sch 14 para. 6)
- C6 Act: definitions applied (E.W.) (1.12.1991) by [Water Industry Act 1991](#) (c. 56, SIF 130), [ss. 17\(4\), 31\(9\), 223\(2\)](#) (with [ss. 82\(3\), 186\(1\), 222\(1\)](#), Sch. 14 para. 6)
- C7 Act modified (17.2.1994) by S.I. 1993/3160 (N.I. 15), [art. 32\(1\)\(b\)](#).  
Act modified (3.1.1995) by 1994 c. 40, ss. 12(7), 82(2), [Sch. 4 paras. 5-8](#)
- C8 Act applied (1.3.1996) by 1986 c. 44, [s. 27\(6\)](#) (as substituted (1.3.1996) by 1995 c. 45, s. 10(1), [Sch. 3 para. 25](#); S.I. 1996/218, [art. 2](#))  
Act applied (1.3.1996) by 1986 c. 44, [s. 36A\(9\)](#) (as inserted (1.3.1996) by 1995 c. 45, s. 10(1), [Sch. 3 para. 43](#); S.I. 1996/218, [art. 2](#))  
Act applied (N.I.) (10.6.1996) by S.I. 1996/275 (N.I. 2), [art. 18\(5\)](#) (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, [art. 2](#)

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**C9** Act extended (N.I.) (10.6.1996) by S.I. 1996/275 (N.I. 2), **art. 23(8)** (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, **art. 2**

**Commencement Information**

**I1** Act not in force at Royal Assent see s. 33(5); Act wholly in force at 12.8.1980

**1** ..... **F1**

**Textual Amendments**

**F1** S. 1 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. II** Group 2

*Control of anti-competitive practices*

**F2** 2 ..... **2**

**Textual Amendments**

**F2** Ss. 2-10 repealed (1.3.2000) by 1998 c. 41, ss. 17, 74(3), **Sch. 14 Pt. I** (with s. 73); S.I.2000/344, art. 2, **Sch.**

**F3** ..... **3**

**Textual Amendments**

**F3** Ss. 2-10 repealed (1.3.2000) by 1998 c. 41, ss. 17, 74(3), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

**F4** ..... **4**

**Textual Amendments**

**F4** Ss. 2-10 repealed (1.3.2000) by 1998 c. 41, ss. 17, 74(3), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

**F5** ..... **5**

**Textual Amendments**

**F5** Ss. 2-10 repealed (1.3.2000) by 1998 c. 41, ss. 17, 74(3), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, **art. 2, Sch.**

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F6 .....

**Textual Amendments**

F6 Ss. 2-10 repealed (1.3.2000) by 1998 c. 41, ss. 17, 74(3), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

F7 .....

**Textual Amendments**

F7 Ss. 2-10 repealed (1.3.2000) by 1998 c. 41, ss. 17, 74(3), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

F8 .....

**Textual Amendments**

F8 Ss. 2-10 repealed (1.3.2000) by 1998 c. 41, ss. 17, 74(3), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

F9 .....

**Textual Amendments**

F9 Ss. 2-10 repealed (1.3.2000) by 1998 c. 41, ss. 17, 74(3), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

F10 .....

**Textual Amendments**

F10 Ss. 2-10 repealed (1.3.2000) by 1998 c. 41, ss. 17, 74(3), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

*Further references and investigations*

**11 References of public bodies and certain other persons to the Commission.**

- (1) The Secretary of State may at any time refer to the Commission any question relating to—
- (a) the efficiency and costs of,

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- (b) the service provided by, or
  - (c) possible abuse of a monopoly situation by,
- a person falling within subsection (3) below and specified in the reference, including any question whether, in relation to a matter falling within paragraph (a), (b) or (c) above, the person is pursuing a course of conduct which operates against the public interest.
- (2) For the purposes of subsection (1)(c) above “monopoly situation” includes a monopoly situation which is limited to a part of the United Kingdom and, accordingly, for those purposes references to the United Kingdom in sections 6 and 7 of the <sup>M1</sup>Fair Trading Act 1973 shall be taken to include references to a part of the United Kingdom.
- (3) The persons referred to in subsection (1) above are—
- (a) any body corporate—
    - (i) which supplies goods or services by way of business,
    - (ii) the affairs of which are managed by its members, and
    - (iii) the members of which hold office as such by virtue of their appointment to that or another office by a Minister under any enactment; or
  - [<sup>F11</sup>(aa) any publicly owned railway company, within the meaning of the Railways Act 1993, which supplies network services or station services, within the meaning of Part I of that Act; or]
  - [<sup>F12</sup>(b) any person (not falling within paragraph (a) above) who provides in Northern Ireland a bus service within the meaning of section 14 of the Finance Act (Northern Ireland) 1966; or]
  - [<sup>F13</sup>(bb) any person who provides a railway passenger service in pursuance of an agreement entered into by London Regional Transport by virtue of [<sup>F14</sup>section 3(2) or (2A)(a)] of the [<sup>F15</sup>London Regional Transport Act 1984]; or]
  - [<sup>F16</sup>(c) the National Rivers Authority;]
  - [<sup>F17</sup>(cc) [<sup>F18</sup>the new water and sewerage authorities, within the meaning of the Local Government etc. (Scotland) Act 1994;]]
  - (d) any board administering a scheme under the <sup>M2</sup>Agricultural Marketing Act 1958 [<sup>F19</sup>or the <sup>M3</sup>Agricultural Marketing Act (Northern Ireland) 1964][<sup>F20</sup>or the Agricultural Marketing (Northern Ireland) Order 1982]; or
  - (e) any body corporate with a statutory duty to promote and assist the maintenance and development of the efficient supply of any goods or services by a body falling within paragraphs (a) to (d) above; or
  - (f) any subsidiary, within the meaning of [<sup>F21</sup>section 736 of]the [<sup>F22</sup>Companies Act 1985], of a body falling within paragraphs (a) to (e) above.
- (4) The Secretary of State may by order exclude from subsection (3)(b) [<sup>F23</sup>or (bb)]above persons of such descriptions as may be specified in the order.
- (5) No question concerning a person falling within subsection (3)(b) [<sup>F24</sup>or (bb)]above or a subsidiary of a body falling within [<sup>F25</sup>that subsection][<sup>F25</sup>either of those paragraphs]may be referred to the Commission under this section unless it relates to the carriage of passengers by the person or, as the case may be, the subsidiary.
- (6) The Secretary of State may at any time by notice given to the Commission vary a reference under this section.

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- (7) On making a reference under this section or on varying such a reference under subsection (6) above the Secretary of State shall arrange for the reference or, as the case may be, the variation to be published in such manner as he considers most suitable for bringing it to the attention of persons who in his opinion would be affected by it or be likely to have an interest in it.
- (8) On a reference under this section the Commission shall investigate and report on any question referred to them but shall exclude from their investigation and report consideration of—
- (a) any question relating to the appropriateness of any financial obligations or guidance as to financial objectives (however expressed) imposed on or given to the person in question by or under any enactment, or otherwise by a Minister; <sup>F26</sup> . . .
  - <sup>F26</sup>(b) . . . . .
- [<sup>F27</sup>(9) The provisions mentioned in subsection (9A) are to apply in relation to a reference under this section as if—
- (a) the functions of the Competition Commission under this section were functions under the Fair Trading Act 1973;
  - (b) the expression “merger reference” included a reference to the Commission under this section; and
  - (c) in paragraph 20(2)(a) of Schedule 7 to the Competition Act 1998, the reference to section 56 of the Fair Trading Act 1973 were a reference to section 12 below.
- (9A) The provisions are—
- (a) sections 70 (time limit for report on merger), 84 (public interest) and 85 (attendance of witnesses and production of documents) of the Fair Trading Act 1973; and
  - (b) Part II of Schedule 7 to the Competition Act 1998 (performance of the Competition Commission’s general functions).]

(10) A report of the Commission on a reference under this section shall be made to the Secretary of State and shall state, with reasons, the conclusions of the Commission with respect to any question referred to them and, where the Commission conclude that the person specified in the reference is pursuing a course of conduct which operates against the public interest, the report may include recommendations as to what action (if any) should be taken by the person for the purpose of remedying or preventing what the Commission consider are the adverse effects of that course of conduct.

(11) In this section “Minister” includes a Northern Ireland department and the head of such a department.

**Textual Amendments**

- F11** S. 11(3)(aa) inserted (6.1.1994) by 1993 c. 43, s. 152(1), **Sch. 12 para. 12(1)** (with s. 150(1)(o)); S.I. 1993/3237, **art. 2(2)**
- F12** S. 11(3)(b) substituted by virtue of **Transport Act 1985 (c. 67, SIF 126)**, **s. 114(1)(a)**
- F13** S. 11(3)(bb) inserted (E.W.) by **London Regional Transport Act 1984 (c. 32, SIF 126)**, **s. 71(3)(a)**, Sch. 6 para. 15(1)(b)
- F14** Words in s. 11(3)(bb) substituted (E.W.) (17.8.1996) by 1996 c. 21, **ss. 4(2)(a), 6(2)**
- F15** Words substituted by **Transport Act 1985 (c. 67, SIF 126)**, **s. 114(1)(b)**

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- F16** S. 11(3)(c) commencing “the National Rivers” substituted (E.W.) for s. 11(3)(c) commencing “any statutory water” by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(1), [Sch. 25 para. 59\(1\)](#)
- F17** S. 11(3)(cc) inserted (S.) (1.4.1996) by [1994 c. 39, s. 72 \(with s. 74\(4\)\)](#); [S.I. 1996/323](#), art. 4(1)(a), [Sch. 1](#)
- F18** S. 11(3)(cc) repealed (S.) (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp. 3\)](#), ss. 71, 72(2), [Sch. 7 {para. 10}](#) (with art. 67); [S.S.I. 2002/118](#), [art. 2\(3\)](#)
- F19** Words repealed (*prosp.*) (but by S.R.s [1984 No. 422](#) and [1989 No. 47](#) the repeal came into operation in relation to the Pigs Marketing Board (Northern Ireland) on 31.12.1984 and in relation to the Milk Marketing Board for Northern Ireland on 1.4.1989 respectively) by [S.I. 1982/1080](#), (N.I. 12), art. 46(2), [Sch. 9](#)
- F20** Words inserted by [S.I. 1982/1080](#), (N.I. 12), art. 46(1), [Sch. 8](#)
- F21** Words inserted by [Companies Act 1989 \(c. 40, SIF 27\)](#), s. 144(4), [Sch. 18 para. 22](#)
- F22** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, [Sch. 2](#)
- F23** Words inserted (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), [s. 71\(3\)\(a\)](#), [Sch. 6 para. 15\(2\)](#)
- F24** Words inserted (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), [s. 71\(3\)\(a\)](#), [Sch. 6 para. 15\(3\)\(a\)](#)
- F25** Words “either of those paragraphs” substituted (E.W.) for words “that subsection” by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), [s. 71\(3\)\(a\)](#), [Sch. 6 para. 15\(3\)\(b\)](#)
- F26** S. 11(8)(b) and the word preceding it repealed (1.3.2000) by [1998 c. 41](#), ss. 74(1)(3), [Sch. 12 para. 4\(2\)](#), [Sch. 14 Pt. I](#) (with s. 73); [S.I. 2000/344](#), art. 2, [Sch.](#)
- F27** S. 11(9)(9A) substituted for s. 11(9) (1.4.1999) by [1998 c. 41](#), ss. 74(1), 76(3), [Sch. 12 para. 4\(3\)](#) (with s. 73); [S.I. 1999/505](#), art. 2, [Sch.](#)

#### Marginal Citations

- M1** 1973 c. 41.  
**M2** 1958 c. 47.  
**M3** 1964 c. 13 (N.I.)

VALID FROM 20/06/2003

#### <sup>F28</sup> 11A References under section 11: time-limits

- (1) Every reference under section 11 above shall specify a period (not longer than six months beginning with the date of the reference) within which a report on the reference is to be made.
- (2) A report of the Commission on a reference under section 11 above shall not have effect (and no action shall be taken in relation to it under section 12 below) unless the report is made before the end of the period specified in the reference or such further period (if any) as may be allowed by the Secretary of State under subsection (3) below.
- (3) The Secretary of State may, if he has received representations on the subject from the Commission and is satisfied that there are special reasons why the report cannot be made within the period specified in the reference, extend that period by no more than three months.
- (4) No more than one extension is possible under subsection (3) above in relation to the same reference.

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- (5) The Secretary of State shall publish any extension made by him under subsection (3) above in such manner as he considers most suitable for bringing it to the attention of persons who in his opinion would be affected by it or be likely to have an interest in it.

#### Textual Amendments

**F28** S. 11A-11D inserted (prosp.) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 {para. 10(3)}

VALID FROM 20/06/2003

### 11B References under section 11: powers of investigation and penalties

- (1) The following sections of Part 3 of the Enterprise Act 2002 shall apply, with the modifications mentioned in subsections (2) and (3) below, for the purposes of references under section 11 above as they apply for the purposes of references under that Part—
- (a) section 109 (attendance of witnesses and production of documents etc.);
  - (b) section 110 (enforcement of powers under section 109: general);
  - (c) section 111 (penalties);
  - (d) section 112 (penalties: main procedural requirements);
  - (e) section 113 (payments and interest by instalments);
  - (f) section 114 (appeals in relation to penalties);
  - (g) section 115 (recovery of penalties); and
  - (h) section 116 (statement of policy).
- (2) Section 110 shall, in its application by virtue of subsection (1) above, have effect as if—
- (a) subsection (2) were omitted;
  - (b) in subsection (4), for the word “publication” there were substituted “laying before both Houses of Parliament”; and
  - (c) in subsection (9) the words from “or section” to “section 65(3)” were omitted.
- (3) Section 111(5)(b)(ii) shall, in its application by virtue of subsection (1) above, have effect as if—
- (a) for the words “published (or, in the case of a report under section 50 or 65, given)” there were substituted “made”;
  - (b) for the words “published (or given)”, in both places where they appear, there were substituted “made”; and
  - (c) the words “by this Part” were omitted.

#### Textual Amendments

**F28** S. 11A-11D inserted (prosp.) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 {para. 10(3)}

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### 11C References under section 11: further supplementary provisions

- (1) Section 117 of the Enterprise Act 2002 (false or misleading information) shall apply in relation to functions under this Act as it applies in relation to functions under Part 3 of that Act but as if, in subsections (1)(a) and (2), the words “the OFT,” were omitted.
- (2) Section 125 of the Enterprise Act 2002 (offences by bodies corporate) shall apply for the purposes of this Act as it applies for the purposes of Part 3 of that Act.
- (3) For the purposes of section 12 below, a conclusion contained in a report of the Commission is to be disregarded if the conclusion is not that of at least two-thirds of the members of the group constituted in connection with the reference concerned in pursuance of paragraph 15 of Schedule 7 to the Competition Act 1998.

#### Textual Amendments

**F28** S. 11A-11D inserted (prosp.) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 {para. 10(3)}

VALID FROM 20/06/2003

### 11D Interim orders

- (1) Subsection (2) below applies where, in the circumstances specified in subsection (1) of section 12 below, the Secretary of State has under consideration the making of an order under subsection (5) of that section.
- (2) The Secretary of State may by order, for the purpose of preventing pre-emptive action—
  - (a) prohibit or restrict the doing of things which the Secretary of State considers would constitute pre-emptive action;
  - (b) impose on any person concerned obligations as to the carrying on of any activities or the safeguarding of any assets;
  - (c) provide for the carrying on of any activities or the safeguarding of any assets either by the appointment of a person to conduct or supervise the conduct of any activities (on such terms and with such powers as may be specified or described in the order) or in any other manner;
  - (d) do anything which may be done by virtue of paragraph 19 of Schedule 8 to the Enterprise Act 2002 (information powers).
- (3) An order under this section shall come into force at such time as is determined by or under the order.
- (4) An order under this section shall, if it has not previously ceased to be in force, cease to be in force on the making of the order under section 12(5) below or (as the case may be) on the making of the decision not to make such an order.
- (5) The Secretary of State shall publish any decision made by him not to make an order under section 12(5) below in such manner as he considers most suitable for bringing



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it to the attention of persons who in his opinion would be affected by it or be likely to have an interest in it.

- (6) The Secretary of State shall, as soon as reasonably practicable, consider any representations received by him in relation to varying or revoking an order under this section.
- (7) The following provisions of Part 3 of the Enterprise Act 2002 shall apply in relation to orders under this section as they apply in relation to orders under paragraph 2 of Schedule 7 to that Act—
  - (a) section 86(2) and (3)(enforcement orders: general provisions);
  - (b) section 87 (delegated power of directions); and
  - (c) section 94(1) to (5), (8) and (9)(rights to enforce orders).
- (8) In this section “pre-emptive action” means action which might impede the making of an order under section 12(5) below.]

#### Textual Amendments

**F28** S. 11A-11D inserted (prosp.) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 {para. 10(3)}

## 12 Orders following report under section 11.

- (1) This section applies where a report of the Commission on a reference under section 11 above concludes that the person specified in the reference is pursuing a course of conduct which operates against the public interest.
- (2) If it appears to the Secretary of State that any other Minister has functions directly relating to the person specified in the reference or, in the case of a reference only concerning the activities of the person in a part of the United Kingdom, functions directly relating to the person in respect of his activities in that part, he shall send a copy of the report of the Commission on the reference to that Minister; and in subsection (3) below “the relevant Minister” means—
  - (a) in a case where it appears to the Secretary of State that any Minister (including himself) has such functions, that Minister, and
  - (b) in a case where it appears to the Secretary of State that no Minister has such functions, the Secretary of State.
- (3) If—
  - (a) the relevant Minister considers it appropriate for the purpose of remedying or preventing what he considers are the adverse effects of the course of conduct specified in the report of the Commission as operating against the public interest, and
  - (b) the person specified in the reference does not fall within paragraph (d) of section 11(3) above and is not a subsidiary of a body falling within that paragraph,

he may by order direct the person to prepare within such time, if any, as may be specified in the order a plan for remedying or preventing such of those effects as are so specified; but where there is more than one relevant Minister no such order shall be made except by all the relevant Ministers acting jointly and where none of the

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relevant Ministers is the Secretary of State no such order shall be made except after consultation with him.

- (4) It shall be the duty of a person to whom a direction is given under subsection (3) above to prepare such a plan as is mentioned in that subsection and to send a copy of that plan to the Minister or Ministers by whom the order containing the direction was made who shall lay it before Parliament; and, in a case where the plan involves the use by a body of its powers in relation to any subsidiary within the meaning of [<sup>F29</sup>section 736 of]the [<sup>F30</sup>Companies Act 1985], the plan shall specify the manner in which the body proposes using those powers.
- (5) Whether or not an order has been or may be made under subsection (3) above, the Secretary of State may, if he considers it appropriate for the purpose of remedying or preventing what he considers are the adverse effects of the course of conduct specified in the report of the Commission as operating against the public interest, by order exercise one or more of the powers specified in Part I, excluding paragraph 10, of Schedule 8 to the <sup>M4</sup>Fair Trading Act 1973, to such extent and in such manner as he considers appropriate.
- (6) In the <sup>M5</sup>Fair Trading Act 1973—
- (a) section 90 (general provisions as to orders under section 56 etc.) except subsections (2) and (3),
  - (b) section 91(2) (publication of proposals to make an order),
  - (c) section 93 (enforcement of certain orders), and
  - (d) Part I (except paragraph 10) of Schedule 8 (powers exercisable by orders under section 56 etc.),

shall have effect as if any reference in those provisions to an order under section 56 of that Act included a reference to an order under subsection (5) above.

#### Textual Amendments

**F29** Words inserted by [Companies Act 1989 \(c. 40, SIF 27\)](#), s. 144(4), **Sch. 18 para. 22**

**F30** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, **Sch. 2**

#### Modifications etc. (not altering text)

**C10** S. 12(5) amended by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), **ss. 144(2), 238(2)**

#### Marginal Citations

**M4** 1973 c. 41.

**M5** 1973 c. 41.

### 13 Investigations of prices directed by Secretary of State.

- (1) If so directed by the Secretary of State, the Director shall carry out an investigation into any price specified in the direction with a view to providing the Secretary of State with information of a description so specified relating to that price: <sup>F31</sup> . . .
- (2) The Secretary of State shall not give a direction under this section unless he is satisfied that the price in question is one of major public concern and, in this connection, he shall have regard to whether—

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- (a) the provision or acquisition of the goods or services in question is of general economic importance; or
  - (b) consumers are significantly affected, whether directly or indirectly, by the price.
- (3) The Secretary of State may at any time vary or revoke a direction given under this section, but he shall not exercise his power to vary such a direction unless he is satisfied that the direction as proposed to be varied would be such as he could have given, having regard to subsection (2) above.
- (4) On giving a direction under this section or on varying or revoking such a direction, the Secretary of State shall arrange for the direction, variation or revocation to be published in such manner as he considers most suitable for bringing it to the attention of persons who, in his opinion, would be affected by, or be likely to have an interest in, the investigation to which the direction, variation or revocation relates.
- (5) A direction under this section shall specify a period within which the Director is to report on his investigation to the Secretary of State, and, before the expiry of the period specified in the direction (whether as originally given or as varied under subsection (3) above), the Director shall make a report on the investigation to the Secretary of State—
- (a) stating his findings of fact which are material to the information which he is required to provide in accordance with the direction; and
  - (b) containing such additional observations (if any) as the Director considers should be brought to the attention of the Secretary of State as a result of the investigation.
- [<sup>F32</sup>(6) For the purposes of an investigation under this section the Director may, by notice in writing signed by him—
- (a) require any person to produce—
    - (i) at a time and a place specified in the notice,
    - (ii) to the Director or to any person appointed by him for the purpose, any documents which are specified or described in the notice and which are documents in his custody or under his control and relating to any matter relevant to the investigation; or
  - (b) require any person carrying on any business to—
    - (i) furnish to the Director such estimates, forecasts, returns or other information as may be specified or described in the notice; and
    - (ii) specify the time, manner and form in which any such estimates, forecasts, returns or information are to be furnished.
- (7) No person shall be compelled, for the purpose of any investigation under this section—
- (a) to produce any document which he could not be compelled to produce in civil proceedings before the High Court or, in Scotland, the Court of Session; or
  - (b) in complying with any requirement for the furnishing of information, to give any information which he could not be compelled to give in evidence in such proceedings.
- (8) Subsections (6) to (8) of section 85 of the <sup>M6</sup>Fair Trading Act 1973 (enforcement provisions relating to notices requiring production of documents etc.) shall apply in relation to a notice under subsection (6) above as they apply in relation to a notice under section 85(1) but as if, in section 85(7), for the words from “any one” to “the Commission” there were substituted “the Director.”]

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**Textual Amendments**

**F31** Words in s. 13(1) repealed (1.3.2000) by 1998 c. 41, ss. 74(1)(3), Sch. 12 para. 4(4)(a), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

**F32** S. 13(6)-(8) substituted for s. 13(6) (1.3.2000) by 1998 c. 41, ss. 74(1), **Sch. 12 para. 4(4)(b)** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

**Marginal Citations**

**M6** 1973 c. 41.

*Patents and agricultural schemes*

14 ..... <sup>F33</sup>

**Textual Amendments**

**F33** S. 14 repealed by **Copyright, Designs and Patents Act 1988** (c. 48, SIF 67A), s. 303(2), **Sch. 8**

**15 Agricultural schemes: special provisions.**

- (1) In subsection (1) of section 19A of the <sup>M7</sup>Agricultural Marketing Act 1958 (power of Minister to make orders under section 19 of that Act where report of Commission on monopoly reference contains certain conclusions) after the words “Fair Trading Act 1973” there shall be inserted the words “ or section 8 or 11 of the Competition Act 1980”.
- (2) The Secretary of State shall not—
  - <sup>F34</sup>(a) .....
  - <sup>F35</sup>(b) .....
  - (c) make or vary a reference under section 11 above,  
in a case where the person to whom or to whose conduct or activities the investigation or reference relates falls within section 11(3)(d) above unless he has first consulted the relevant Minister.
- <sup>F35</sup>(3) .....
- <sup>F35</sup>(4) .....
- (5) In this section “the relevant Minister” means—
  - (a) in the case of a board administering a scheme under the said Act of 1958, the Minister who would have power to make an order under section 19 of that Act in relation to that board or the board administering that scheme, and
  - (b) in the case of a board administering a scheme under [<sup>F36</sup>the said Act of 1964 [<sup>F37</sup>or]the said Order of 1982], the Department of Agriculture for Northern Ireland.

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**Textual Amendments**

- F34** S. 15(2)(a) and the word immediately following it repealed (3.1.1995) by 1994 c. 40, ss. 81, 82(2), **Sch. 17**
- F35** S. 15(2)(b)(3)(4) repealed (1.3.2000) by 1998 c. 41, ss. 74(1)(3), Sch. 12 para. 4(5), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F36** Words in s. 15(5)(b) repealed (*prosp.*) (but by S.R.s 1984 No. 422 and 1989 No. 47 the repeal came into operation in relation to the Pigs Marketing Board (Northern Ireland) on 31.12.1984 and in relation to the Milk Marketing Board for Northern Ireland on 1.4.1989 respectively) by S.I. 1982/1080, (N.I. 12), art. 46(2), Sch. 9
- F37** “Words in s. 15(5)(b) inserted by S.I. 1982/1080 (N.I. 12), art. 46(1), **Sch. 8**

**Modifications etc. (not altering text)**

- C11** The text of ss. 15(1), 22, 23, 27(4), 28, 30(1), 32(2), 33(4), Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M7** 1958 c. 47.

*General provisions about references and investigations*

**16 General provisions as to reports.**

- (1) In making any report under this Act the Commission or the Director shall have regard to the need for excluding, so far as that is practicable—
- (a) any matter which relates to the private affairs of an individual, where the publication of that matter would or might, in the opinion of the Commission or the Director, as the case may be, seriously and prejudicially affect the interests of that individual, and
  - (b) any matter which relates specifically to the affairs of a body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Commission or the Director, as the case may be, seriously and prejudicially affect the interests of that body, unless in the opinion of the Commission or the Director, as the case may be, the inclusion of that matter relating specifically to that body is necessary for the purposes of the report.
- (2) For the purposes of the law relating to defamation, absolute privilege shall attach to any report of the Commission or of the Director under this Act.

<sup>F38</sup>(3) .....

**Textual Amendments**

- F38** S. 16(3) repealed (1.3.2000) by 1998 c. 41, ss. 74(1)(3), Sch. 12 para. 4(6), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

**Modifications etc. (not altering text)**

- C12** S. 16 modified (transfer of functions) by Telecommunications Act 1984 (c. 12, SIF 96), s. 50(3) and (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 43(3)

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- C13** S. 16 modified (transfer of functions) (1.4.1992) by S.I. 1992/231, **art. 46(3)(4)**; S.R. 1992/117, **art. 3(1)**
- C14** S. 16 modified (transfer of functions) and amended (E.W.S.) (1.4.1994) by 1993 c. 43, **s. 67(3)(4)**; S.I. 1994/571, **art. 5**
- C15** S. 16 amended (E.W.)(1.12.1991) by Water Industry Act 1991 (c. 56, SIF 130), **ss. 31(4)(c), 35(4), 223(2)** (with **ss. 82(3), 186(1), 222(1), Sch. 14 para. 6**)
- C16** Ss. 2-10, 16: certain functions transferred (1.3.1996) by 1986 c. 44, **s. 36A** (as inserted (1.3.1996) by 1995 c. 45, **s. 10(1), Sch. 3 para. 43**; S.I. 1996/218, **art. 2**)  
Ss. 2-10, 16: certain functions transferred (N.I.) (10.6.1996) by S.I. 1996/275 (N.I. 2), **art. 23(3)** (with **Sch. 7 paras. 2, 3(2)**); S.R. 1996/216, **art. 2**

## 17 Laying before Parliament and publication of reports.

- (1) Subject to subsection (2) below, the Secretary of State shall lay a copy of any report made to him under section <sup>F39</sup> . . . , 11(10) or 13(5) above before each House of Parliament and shall arrange for the report to be published in such manner as appears to him appropriate.
- (2) The Secretary of State shall not lay a copy of a report made to him under section <sup>F40</sup> . . . 11(10) above before either House of Parliament unless at least twenty-four hours before doing so he has transmitted to every person specified in the reference a copy of the report in the form in which it is laid (or by virtue of subsection (3) below is treated as being laid) before each House of Parliament.
- (3) If a report made to him under section <sup>F39</sup> . . . , 11(10) or 13(5) above is presented by command of Her Majesty to either House of Parliament otherwise than at or during the time of a sitting of that House, the presentation of the report shall for the purposes of this section be treated as the laying of a copy of it before that House by the Secretary of State.
- (4) If it appears to the Secretary of State that the publication of any matter in a report made to him under section <sup>F39</sup> . . . , 11(10) or 13(5) above would be against the public interest, he shall exclude that matter from the copies of the report as laid before Parliament and from the report as published under this section.
- (5) Without prejudice to subsection (4) above, if the Secretary of State considers that it would not be in the public interest to disclose—
  - (a) any matter contained in a report made to him under section <sup>F39</sup> . . . , 11(10) or 13(5) above relating to the private affairs of an individual whose interests would, in the opinion of the Secretary of State, be seriously and prejudicially affected by the publication of that matter, or
  - (b) any matter contained in such a report relating specifically to the affairs of a particular person whose interests would, in the opinion of the Secretary of State, be seriously and prejudicially affected by the publication of that matter,
 the Secretary of State shall exclude that matter from the copies of the report as laid before Parliament and from the report as published by virtue of subsection (1) above.
- (6) Any reference in [<sup>F41</sup>section] 12 above to a report of the Commission shall be construed as a reference to the report in the form in which copies of it are laid (or by virtue of subsection (3) of this section are treated as having been laid) before each House of Parliament under this section.

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### Textual Amendments

- F39** Words in s. 17(1)(3)-(5) repealed (1.3.2000) by 1998 c. 41, ss. 74(1)(3), Sch. 12 para. 4(7)(a), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F40** Words in s. 17(2) repealed (1.3.2000) by 1998 c. 41, ss. 74(1)(3), Sch. 12 para. 4(7)(b), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**
- F41** Words in s. 17(6) substituted (1.3.2000) by 1998 c. 41, ss. 74(1), **Sch. 12 para. 4(7)(c)** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

## 18 Information and advice about operation of Act.

The Director shall arrange for the dissemination in such form and manner as he considers appropriate of such information and advice as it may appear to him expedient to give the public in the United Kingdom about the operation of this Act.

## 19 Restriction on disclosure of information.

- (1) Subject to subsection (2) below, no information obtained under or by virtue of the preceding provisions of this Act about any business shall, so long as the business continues to be carried on, be disclosed without the consent of the person for the time being carrying it on.
- (2) Subsection (1) above does not apply to any disclosure of information made—
- (a) for the purpose of facilitating the performance of any functions under this Act or any of the enactments [<sup>F42</sup>or subordinate legislation] specified in subsection (3) below of any Minister, any Northern Ireland department, the head of any such department, the Director [<sup>F43</sup>the Director General of Telecommunications,][<sup>F44</sup>the Director General of Gas Supply,][<sup>F45</sup>the Civil Aviation Authority,][<sup>F46</sup>the Director General of Water Services,][<sup>F47</sup>the Director General of Electricity Supply [<sup>F48</sup>the Director General of Electricity Supply for Northern Ireland][<sup>F49</sup>or the Director General of Gas for Northern Ireland][<sup>F50</sup>the Rail Regulator][<sup>F51</sup>the Authorised Conveyancing Practitioners Board][<sup>F52</sup>the Coal Authority],], the Commission or a local weights and measures authority in Great Britain; or
  - (b) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings; or
  - (c) for the purposes of any civil proceedings brought under or by virtue of this Act or any of the enactments [<sup>F53</sup>or subordinate legislation] specified in subsection (3) below; or
  - (d) in pursuance of a Community obligation.
- (3) The enactments [<sup>F54</sup>and subordinate legislation] referred to in subsection (2) above are—
- (a) the <sup>M8</sup>Trade Descriptions Act 1968;
  - (b) the <sup>M9</sup>Fair Trading Act 1973;
  - (c) the <sup>M10</sup>Consumer Credit Act 1974;
  - <sup>F55</sup>(d) .....
  - <sup>F55</sup>(e) .....
  - (f) the <sup>M11</sup>Estate Agents Act 1979.
  - <sup>F56</sup>(g) the Telecommunications Act 1984.]

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- [<sup>F57</sup>(h) the Gas Act 1986.]
  - [<sup>F58</sup>(hh) Chapter III of Part X (competition scrutiny of regulating provisions and practices of the Authority), and Chapter II of Part XVIII (competition scrutiny of regulatory provisions and practices of recognised clearing houses and recognised investment exchanges), of the Financial Services and Markets Act 2000;]
  - [<sup>F59</sup>(i) the Airports Act 1986.]
  - [<sup>F60</sup>(j) the Consumer Protection Act 1987.]
  - [<sup>F61</sup>(k) the Control of Misleading Advertisements Regulations 1988]
  - [<sup>F62</sup>(k) the Consumer Protection (Northern Ireland) Order 1987.]
  - [<sup>F63</sup>(l) the Water Act 1989.][<sup>F64</sup>the Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of that Act of 1991)]
  - [<sup>F65</sup>(m) the Courts and Legal Services Act 1990]
  - [<sup>F66</sup>(m) the Electricity Act 1989.]
  - [<sup>F67</sup>(n) the Electricity (Northern Ireland) Order 1992]
  - [<sup>F68</sup>(n) the Broadcasting Act 1990]
  - [<sup>F69</sup>(nn) the Gas (Northern Ireland) Order 1996;]
  - [<sup>F70</sup>(nn) Part IV of the Airports (Northern Ireland) Order 1994;]
  - [<sup>F71</sup>(o) the Railways Act 1993]
  - [<sup>F72</sup>(p) the Coal Industry Act 1994;]
  - [<sup>F73</sup>(q) [<sup>F74</sup>the EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001];]
  - [<sup>F75</sup>(r) the Competition Act 1998]
  - [<sup>F76</sup>(s) Part I of the Transport Act 2000.]
- (4) For the purpose of enabling information obtained under certain enactments to be used for facilitating the performance of functions under this Act, the following amendments shall be made in provisions respecting disclosure of information, namely—
- (a) at the end of paragraph (aa) of the proviso to section 47(2) of the <sup>M12</sup>Agricultural Marketing Act 1958 there shall be added the words “or the Competition Act 1980” ;
  - [<sup>F77</sup>(b) at the end of paragraph (aaa) of section 23(2) of the <sup>M13</sup>Agricultural Marketing Act (Northern Ireland) Act 1964 there shall be added the words “or the Competition Act 1980” ;]
  - (c) at the end of paragraph (a) of subsection (2) of section 133 of the Fair Trading Act 1973 there shall be added the words “the Competition Act 1980, or” ;
  - (d) in paragraph (a) of subsection (3) of section 174 of the Consumer Credit Act 1974 after the words “Estate Agents Act 1979” there shall be added the words “or the Competition Act 1980” ;
  - (e) at the end of paragraph (a) of subsection (1) of section 41 of the Restrictive Trade Practices Act 1976 there shall be added the words “or the Competition Act 1980” ; and
  - (f) in paragraph (a) of subsection 10 of the <sup>M14</sup>Estate Agents Act 1979 after the words “Restrictive Trade Practices Act 1976” there shall be added the words “or the Competition Act 1980”.
- (5) Nothing in subsection (1) above shall be construed—
- (a) as limiting the matters which may be included in any report of the Director or of the Commission made under this Act <sup>F78</sup> . . . ; or



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- (b) as applying to any information which has been made public as part of such a report or as part of the register kept for the purposes of the Act of 1976.
- (6) Any person who discloses information in contravention of this section shall be liable on summary conviction to a fine not exceeding the statutory maximum and, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or both.

F79(7) . . . . .

### Textual Amendments

- F42** Words inserted by [S.I. 1988/915, art. 7\(6\)\(e\)\(i\)](#)
- F43** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\), s. 109, Sch. 4 para. 73\(1\), Sch. 5 para. 45](#)
- F44** Words inserted by [Gas Act 1986 \(c. 44, SIF 44:2\), s. 67\(1\), Sch. 7 para. 28\(1\)](#)
- F45** Words inserted by [Airports Act 1986 \(c. 31, SIF 9\), s. 83\(1\), Sch. 4 para. 7\(a\)](#)
- F46** Words inserted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\), s. 190\(1\), Sch. 25 para. 59\(2\)\(a\)](#)
- F47** Words inserted (E.W.S.) by [Electricity Act 1989 \(c. 29, SIF 44:1\), s. 112\(1\), Sch. 16 para. 25\(a\)](#)
- F48** Words in s. 19(2)(a) inserted (1.4.1992) by [S.I. 1992/231, art. 95\(1\), Sch. 12 para. 21\(a\); S.R. 1992/117, art. 3\(1\)](#)
- F49** Words in s. 19(2)(a) inserted (N.I.) (10.6.1996) by [S.I. 1996/275, art. 71\(1\), Sch. 6 \(with Sch. 2 paras. 2, 3\(2\)\); S.R. 1996/216, art. 2](#)
- F50** Words in s. 19(2)(a) inserted (6.1.1994) by [1993 c. 43, s. 152\(1\), Sch. 12 para. 12\(2\) \(with s. 150\(1\) \(o\)\); S.I. 1993/3237, art. 2\(2\)](#)
- F51** Words inserted (*prosp.*) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\), ss. 124\(3\), 125\(3\), Sch. 18 para. 23\(2\)](#)
- F52** Words in s. 19(2)(a) inserted (31.10.1994) by [1994 c. 21, s. 67, Sch. 9 para. 23\(1\) \(with s. 40\(7\)\); S.I. 1994/2553, art. 2](#)
- F53** Words inserted by [S.I. 1988/915, art. 7\(6\)\(e\)\(i\)](#)
- F54** Words inserted by [S.I. 1988/915, art. 7\(6\)\(e\)\(ii\)](#)
- F55** [S. 19\(3\)\(d\)\(e\)](#) repealed (1.3.2000) by [1998 c. 41, ss. 74\(1\)\(3\), Sch. 12 para. 4\(8\), Sch. 14 Pt. I \(with s. 73\); S.I. 2000/344, art. 2, Sch.](#)
- F56** Para. (g) inserted in subsection (3) at the end by [Telecommunications Act 1984 \(c. 12, SIF 96\), s. 109, Sch. 4 para. 73\(2\), Sch. 5 para. 45](#)
- F57** Para. (h) inserted (23.08.1986) in subsection (3) at the end by [Gas Act 1986 \(c. 44, SIF 44:2\), s. 67\(1\), Sch. 7 para. 28\(2\) \(Royal Assent 25.7.1986\)](#)
- F58** [S. 19\(3\)\(hh\)](#) substituted (3.7.2002) by [The Financial Services and Markets Act 2000 \(Consequential Amendments\) Order 2002 \(S.I. 2002/1555\), art. 8](#)
- F59** Para. (i) inserted (1.10.1986) after paragraph (h) by [Airports Act 1986 \(c. 31, SIF 9\), s. 83\(1\), Sch. 4 para. 7\(b\) \(Royal Assent 8.7.1986\)](#)
- F60** Para. (j) inserted (1.10.1987) after paragraph (i) by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\), s. 48\(1\), Sch. 4 para. 7 \(Royal Assent 15.5.1987\)](#)
- F61** Words inserted (20.6.1988) after the words “Consumer Protection Act 1987” by [S.I. 1988/915, art. 7\(6\)\(e\)\(ii\) \(made 23.5.1988\)](#)
- F62** Para. (k) inserted (1.3.1989) after paragraph (j) by [S.I. 1987/2049 \(N.I. 20\), art. 35\(1\), Sch. 3 para. 5 \(made 26.11.1987\)](#)
- F63** Para. (l) inserted (1.9.1989) (E.W.) after paragraph (k) by [Water Act 1989 \(c. 15, SIF 130\), s. 190\(1\), Sch. 25 para. 59\(2\)\(b\) \(Royal Assent 6.7.1989\)](#)
- F64** Words in s. 19(3)(l) inserted (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\), ss. 2, 4\(2\), Sch. 1 para. 34](#)
- F65** Para. (m) inserted (*prosp.*) after paragraph (l) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\), ss. 124\(3\), 125\(3\), Sch. 18 para. 23\(3\) \(Royal Assent 1.11.1990\)](#)

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- F66** Para. (m) inserted (31.3.1990) (E.W.S.) after paragraph (l) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 25(b)** (Royal Assent 27.7.1989)
- F67** S. 19(3)(n) inserted (1.4.1992) by S.I. 1992/231, art. 95(1), **Sch. 12 para. 21(b)**; S.R. 1992/117, **art. 3(1)**
- F68** Para. (n) inserted (1.1.1991) after paragraph (m) by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 28** (Royal Assent 1.11.1990)
- F69** S. 19(3)(nn) inserted (N.I.) (10.6.1996) by S.I. 1996/275, art. 71(1), **Sch. 6** (with Sch. 2 paras. 2, 3(2)); S.R. 1996/216, **art. 2**
- F70** S. 19(3)(nn) inserted (N.I.) (1.9.1995) by S.I. 1994/426 (N.I. 1), art. 71(2), **Sch. 9 para. 8** (with art. 16); S.R. 1995/294, **art. 2, Sch.**
- F71** S. 19(3)(o) inserted (6.1.1994) by 1993 c. 43, s. 152(1), **Sch. 12 para. 12(3)** (with s. 150(1)(o)); S.I. 1993/3237, **art. 2(2)**
- F72** S. 19(3)(p) inserted (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 23(2)** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F73** S. 19(3)(q) inserted (28.8.1996) by S.I. 1996/2199, **reg. 29(3)**
- F74** Words in s. 19(3)(q) substituted (17.8.2001) by S.I. 2001/2916, **reg. 35(2)** (with regs. 34, 36)
- F75** S. 19(3)(r) inserted (11.1.1999) by 1998 c. 41, s. 74(1), **Sch. 12 para. 4(9)** (with s. 73); S.I. 1998/3166, art. 2, **Sch.**
- F76** S. 19(3)(s) inserted (1.2.2001) by 2000 c. 38, s. 97, **Sch. 8 para. 12**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to savings and transitional provisions in Sch. 2 Pt. II)
- F77** S. 19(4)(b) repealed (*prosp.*) (but by S.R.s 1984 No. 422 and 1989 No. 47 the repeal came into operation in relation to the Pigs Marketing Board (Northern Ireland) on 31.12.1984 and in relation to the Milk Marketing Board for Northern Ireland on 1.4.1989 respectively) by S.I. 1982/1080 (N.I. 12), art. 46(2), **Sch. 9**
- F78** Words in s. 19(5)(a) repealed (1.3.2000) by 1998 c. 41, ss. 74(1)(3), Sch. 12 para. 4(10), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, **art. 2, Sch.**
- F79** S. 19(7) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV Gp. 2**

#### Modifications etc. (not altering text)

- C17** S. 19 amended (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 43(3)  
S. 19 amended (E.W.) (1.12.1991) by Water Industry Act 1991 (c. 56, SIF 130), **ss. 31(4)(c), 35(4), 223(2)** (with ss. 82(3), 186(1), 222(1), Sch. 14 para. 6)
- C18** S. 19 modified (1.4.1992) by S.I. 1992/231, **art. 46(3)**; S.I. 1992/117, **art. 3(1)**
- C19** S. 19 amended (E.W.S.) (1.4.1994) by 1993 c. 43, s. 67(3)(4); S.I. 1994/571, **art. 5**  
S. 19 amended (N.I.) (10.6.1996) by S.I. 1996/275 (N.I. 2), **art. 23(3)** (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, **art. 2**
- C20** S. 19(1) excluded by Broadcasting Act 1990 (c. 42, SIF 96), s. 197(5)(c)
- C21** The text of s. 19(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

- M8** 1968 c. 29(109:1).  
**M9** 1973 c. 41(124:1).  
**M10** 1974 c. 39(60).  
**M11** 1979 c. 38(124:4).  
**M12** 1958 c. 47.  
**M13** 1964 c. 13 (N.I.)  
**M14** 1979 c. 38.

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*Grants*

**20 Power to make grants to certain bodies.**

If the Secretary of State is satisfied that—

- (a) the general advice of any body on matters of interest to users of goods and services would be useful to him in the formulation of policy concerning those matters and
- (b) the body disseminates information of such interest,

he may make a grant to the body on such terms as he thinks fit.

*Amendments of Fair Trading Act 1973*

**21 Monopoly references by Secretary of State alone.**

It is hereby declared that where it appears to the Secretary of State that—

- (a) a monopoly situation exists or may exist as mentioned in subsection (1) of section 51 of the <sup>M15</sup>Fair Trading Act 1973 (monopoly references by Ministers), and
- (b) the goods or services in question are of a description mentioned in subsection (2) of that section, and
- (c) none of the Ministers mentioned in subsection (3) of that section has such functions as are mentioned in subsection (2) of that section in relation to goods or services of that description,

the Secretary of State may make a monopoly reference with respect to the existence or possible existence of that situation acting alone; and accordingly any reference which has been made in such circumstances by the Secretary of State acting alone has been made in compliance with that section.

.....

**Marginal Citations**  
M15 1973 c. 41.

<sup>F80</sup>22 .....

.....

**Textual Amendments**  
F80 S. 22 repealed (11.1.1999) by 1998 c. 41, s. 74(1)(3), Sch. 12 para. 4(11), Sch. 14 Pt. I (with s. 73); S.I. 1998/3166, art. 2, Sch.

**23 Amendment of s.137(3) of Fair Trading Act 1973.**

In section 137(3) of the Fair Trading Act 1973 (definition of “the supply of services”) there shall be inserted after paragraph (b) the following words:—

“and

- (c) includes the making of arrangements for a person to put or keep on land a caravan (within the meaning of Part I of the Caravan Sites and Control

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of Development Act 1960) other than arrangements by virtue of which the person may occupy the caravan as his only or main residence.”

#### Modifications etc. (not altering text)

- C22** The text of ss. 15(1), 22, 23, 27(4), 28, 30(1), 32(2), 33(4), Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## 24 Modification of provisions about performance of Commission’s functions.

- (1) The Secretary of State may by order make such modifications in [<sup>F81</sup>Part II of Schedule 7 to the Competition Act 1998 (performance of the Competition Commission’s general functions)] as appear to him to be appropriate for improving the performance by the Commission of their functions.
- (2) An order under this section may contain such transitional, incidental or supplementary provisions as the Secretary of State thinks fit.

#### Textual Amendments

- F81** Words in s. 24(1) substituted (1.4.1999) by 1998 c. 41, ss. 74(1), 76(3), **Sch. 12 para. 4(12)** (with s. 73); S.I. 1999/505, art. 2, **Sch.**

#### Modifications etc. (not altering text)

- C23** S. 24 applied with modifications (E.W.S.) by Airports Act 1986 (c. 31, SIF 9), s. 44(3)
- C24** S. 24 applied with modifications (E.W.S.) by Gas Act 1986 (c. 44, SIF 44:2), ss. 24(7), 48(3)(4)
- C25** S. 24 applied with modifications (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 16(7)
- C26** S. 24 applied with modifications (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1) s. 12(8)
- C27** S. 24 modified by Broadcasting Act 1990 (c. 42, SIF 96), s. 39, **Sch. 4 para. 4(7)(c)**  
S. 24 applied (with modifications) (E.W.) (1.12.1991) by Water Industry Act 1991 (c. 56, SIF 130), ss. 14(7), 223(2) (with ss. 82(3), 186(1), 222(1), Sch. 14 para. 6)
- C28** S. 24 extended (with modifications) (1.4.1992) by S.I. 1992/231, art. 15(8); S.R. 1992/117, art. 3(1)
- C29** S. 24 applied (with modifications) (E.W.S.) (1.4.1994) by 1993 c. 43, s. 13(8) (with saving in s. 13(9)); S.I. 1994/571, art. 5  
S. 24 applied (with modifications) (N.I.) (1.9.1995) by S.I. 1994/426 (N.I. 1), art. 35(3) (with art. 16); S.R. 1995/294, art. 2, **Sch.**  
S. 24 applied (with modifications) (N.I.) (10.6.1996) by S.I. 1996/275 (N.I. 2), art. 15(9) (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, art. 2  
S. 24 applied (with modifications) (1.4.1999) by 1984 c. 12, s. 13(9A) (as substituted (1.4.1999) by 1998 c. 41, ss. 66(5), 76(3), **Sch. 10 Pt. IV para. 9(2)** (with s. 73)); S.I. 1999/505, art. 2, **Sch.**  
S. 24 applied (with modifications) (1.4.1999) by 1986 c. 44, s. 24(7A) (as substituted (1.4.1999) by 1998 c. 41, ss. 66(5), 76(3), **Sch. 10 Pt. IV para. 10(2)** (with s. 73)); S.I. 1999/505, art. 2, **Sch.**  
S. 24 applied (with modifications) (1.4.1999) by 1989 c. 29, s. 12(8A) (as substituted (1.4.1999) by 1998 c. 41, ss. 66(5), 76(3), **Sch. 10 Pt. IV para. 12(2)** (with s. 73)); S.I. 1999/505, art. 2, **Sch.**  
S. 24 applied (with modifications) (1.4.1999) by 1991 c. 56, s. 14(7A) (as substituted (1.4.1999) by 1998 c. 41, ss. 66(5), 76(3), **Sch. 10 Pt. IV para. 13(3)** (with s. 73)); S.I. 1999/505, art. 2, **Sch.**  
S. 24 applied (with modifications) (1.4.1999) by 1993 c. 43, s. 13(8A) (as substituted (1.4.1999) by 1998 c. 41, ss. 66(5), 76(3), **Sch. 10 Pt. IV para. 15(2)** (with s. 73)); S.I. 1999/505, art. 2, **Sch.**  
S. 24 applied (with modifications) (1.4.1999) by S.I. 1992/231 (N.I. 1), art. 15(8A) (as substituted (1.4.1999) by 1998 c. 41, ss. 66(5), 76(3), **Sch. 10 Pt. V para. 17(2)** (with s. 73)); S.I. 1999/505, art. 2, **Sch.**

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S. 24 applied (with modifications) (1.4.1999) by S.I. 1996/275 (N.I. 2), **art. 15(9A)** (as substituted (1.4.1999) by 1998 c. 41, ss. 66(5), 76(3), **Sch. 10 Pt. V para. 18(2)** (with s. 73)); S.I. 1999/505, art. 2, **Sch.**

s. 24 applied (with modifications) (30.11.2000) by 1993 c. 43, **Sch. 4A para. 15** (as inserted (30.11.2000) by 2000 c. 38, ss. 231, 275(4), **Sch. 24**)

S. 24 applied (with modifications) (1.2.2001) by 2000 c. 38, **s. 12(9)(10)(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pts. I, II**

s. 24 applied (with modifications) (26.3.2001) by 2000 c. 26, **s. 20(1)(2)(b)**; S.I. 2000/2957, art. 2(3), **Sch. 3**

s. 24 applied (with modifications) (26.3.2001) by 2000 c. 26, **s. 20(4)(5)(b)**; S.I. 2000/2957, art. 2(3), **Sch. 3**

s. 24 applied (with modifications) (1.10.2001) by 1989 c. 29, **s. 14A(13)(c)** (as inserted (1.10.2001) by 2000 c. 27, **ss. 39, 104(1)(2)(6)**; S.I. 2001/3266, art. 2, **Sch. 1** (subject to arts. 3-20))

s. 24 applied (with modifications) (1.10.2001) by 1989 c. 29, **s. 56C(8)(c)** (as inserted (1.10.2001) by 2000 c. 27, **ss. 43, 104(1)(2)(6)**; S.I. 2001/3266, art. 2, **Sch. 1** (subject to arts. 3-20))

s. 24 applied (with modifications) (1.10.2001) by 1986 c. 44, **s. 41E(8)(c)** (as inserted (1.10.2001) by 2000 c. 27, **ss. 88, 104(1)(2)(6)**; S.I. 2001/3266, art. 2, **Sch. 1** (subject to arts. 3-20))

s. 24 applied (with modifications) (1.10.2001) by Gas Act 1986 c. 44, **s. 26A(13)(c)** (as inserted (1.10.2001) by 2000 c. 27, **ss. 83(4), 104(1)(2)(6)**; S.I. 2001/3266, art. 2, **Sch. 1** (subject to arts. 3-20))

S. 24 modified (1.4.1999) by 1986 c. 31, **s. 44(3A)** (as substituted (1.4.1999) by 1998 c. 41, ss. 74(1), 76(3), **Sch. 12 para. 7(2)** (with s. 73)); S.I. 1999/505, art. 2, **Sch.**

S. 24 modified (1.4.1999) by 1990 c. 42, **Sch. 4 para. 4(7A)** (as substituted (1.4.1999) by 1998 c. 41, ss. 74(1), 76(3), **Sch. 12 para. 14(3)** (with s. 73)); S.I. 1999/505, art. 2, **Sch.**

S. 24 modified (1.4.1999) by S.I. 1994/426 (N.I. 1), **art. 35(3A)** (as substituted (1.4.1999) by 1998 c. 41, ss. 74(1), 76(3), **Sch. 12 para. 20(2)** (with s. 73)); S.I. 1999/505, art. 2, **Sch.**

*Amendments of Restrictive Trade Practices Act 1976*

F82 **25** .

.....

**Textual Amendments**

**F82** Ss. 25-30 repealed (1.3.2000) by 1998 c. 41, s. 74(1)(3), Sch. 12 para. 4(13), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

F83 **26** .

.....

**Textual Amendments**

**F83** Ss. 25-30 repealed (1.3.2000) by 1998 c. 41, s. 74(1)(3), Sch. 12 para. 4(13), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

F84 **27** .....

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**Textual Amendments**  
**F84** Ss. 25-30 repealed (1.3.2000) by 1998 c. 41, s. 74(1)(3), Sch. 12 para. 4(13), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

**F85** **28** .....

**Textual Amendments**  
**F85** Ss. 25-30 repealed (1.3.2000) by 1998 c. 41, s. 74(1)(3), Sch. 12 para. 4(13), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

**F86** **29** .....

**Textual Amendments**  
**F86** Ss. 25-30 repealed (1.3.2000) by 1998 c. 41, ss. 74(1)(3), Sch. 12 para. 4(13), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

**F87** **30** .....

**Textual Amendments**  
**F87** Ss. 25-30 repealed (1.3.2000) by 1998 c. 41, s. 74(1)(3), Sch. 12 para. 4(13), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

*Supplementary*

**31 Orders and regulations.**

(1) Any power of the Secretary of State to make orders or regulations under this Act shall be exercisable by statutory instrument.

**F88** (2) .....

(3) Any statutory instrument containing regulations under this Act or an order under section **F89** . . . , 11(4) or 12(3) or (5) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) No order shall be made under section 24(1) above unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

**Textual Amendments**  
**F88** S. 31(2) repealed (1.3.2000) by 1998 c. 41, s. 74(1)(3), Sch. 12 para. 4(14)(a), **Sch. 14 Pt. I** (with s. 73)

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**F89** Word in s. 31(3) repealed (1.3.2000) by 1998 c. 41, s. 74(1)(3), Sch. 12 para. 4(14)(b), **Sch. 14 Pt. I** (with s. 73)

### 32 Financial provisions.

- (1) There shall be defrayed out of moneys provided by Parliament—
  - (a) any expenses incurred by the Secretary of State in consequence of the provisions of this Act; and
  - (b) any increase attributable to this Act in the sums payable out of moneys so provided under any other Act.
- (2) In section 135(2) of the <sup>M16</sup>Fair Trading Act 1973 (which provides for any expenses duly incurred by the Director or his staff in consequence of the provisions of that Act to be defrayed out of moneys provided by Parliament) for the words “of this Act” there shall be substituted the words “of this or any other Act”.

#### Marginal Citations

**M16** 1973 c. 41.

### 33 Short title, interpretation, repeals, commencement and extent.

- (1) This Act may be cited as the Competition Act 1980.
- (2) Except in so far as any provision of this Act otherwise provides, section 137 of the <sup>M17</sup>Fair Trading Act 1973 (general interpretation provisions) shall have effect in relation to [<sup>F90</sup>sections 11 to 13 and sections 15 to 24] above as if those sections were contained in that Act; and for ease of reference the expressions which are used in those sections and have meanings assigned to them by the said section 137 are—

<sup>F91</sup>  
...  
“agreement”  
“business”  
“the Commission”  
“consumer”  
“the Director”  
“enactment”  
“goods”  
“group”  
“group of inter-connected bodies corporate”  
“inter-connected bodies corporate”  
“Minister”  
“monopoly situation”  
“practice”  
“price”  
“services”  
“supply”  
“the supply of services”.

<sup>F92</sup>(3) .....

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<sup>F92</sup>(4) .....

- (5) This Act shall come into operation on such day as the Secretary of State may by order appoint, and different days may be so appointed for different provisions and for different purposes.
- (6) An order under this section appointing a day for the coming into operation of any provision of Schedule 2 to this Act may contain such savings with respect to the operation of that provision and such incidental and transitional provisions as appear to the Secretary of State to be appropriate.
- (7) Any reference in any provision of this Act to the appointed day shall be construed as a reference to the day appointed or, as the case may require, first appointed under this section for the coming into operation of that provision.
- (8) This Act extends to Northern Ireland.

#### Textual Amendments

**F90** Words in s. 33(2) substituted (1.3.2000) by 1998 c. 41, s. 74(1), **Sch. 12 para. 4(15)(a)** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

**F91** Words in s. 33(2) repealed (1.3.2000) by S.I. 2000/311, **art. 11**

**F92** S. 33(3)(4) repealed (1.3.2000) by 1998 c. 41, s. 74(1)(3), Sch. 12 para. 4(15)(b), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

#### Modifications etc. (not altering text)

**C30** Power of appointment conferred by s. 33(5) fully exercised: S.I. 1980/497, 1980/978

#### Marginal Citations

**M17** 1973 c. 41.



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## SCHEDULES

### SCHEDULE 1. . . <sup>F93</sup>

#### Textual Amendments

**F93** Sch. 1 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. II Group 2

### SCHEDULE 2

Section 33 (4).

#### ENACTMENTS REPEALED

#### Modifications etc. (not altering text)

**C31** The text of ss. 15(1), 22, 23, 27(4), 28, 30(1), 32(2), 33(4), Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
1973 c. 9.	The Counter-Inflation Act 1973.	Parts I, II and V, so far as unrepealed.
1974 c. 24.	The Prices Act 1974.	In the Schedule, in paragraph 11, the words "or of the Price Commission".
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the words "The Price Commission".
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Part II of Schedule 1, the words "The Price Commission".
1975 c. 57.	The Remuneration, Charges and Grants Act 1975.	In section 2, subsection (4), in subsection (5) paragraph (b) and the word "or" immediately preceding it. Section 3.
1977 c. 33.	The Price Commission Act 1977.	The whole Act, except sections 16 and 17.
1978 c. 54.	The Dividends Act 1978.	The whole Act.
1979 c. 1.	The Price Commission (Amendment) Act 1979.	The whole Act.

**Status:**

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**Changes to legislation:**

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