



# Competition Act 1980

## 1980 CHAPTER 21

### *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.

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

- C1** 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)

#### **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 8(1), 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.

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- (2) The Secretary of State shall not lay a copy of a report made to him under section 8(1) or 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 8(1), 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 8(1), 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 8(1), 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 sections 9, 10 or 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.

## **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>[F1]</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>[F2]</sup>the Director General of Telecommunications, <sup>[F3]</sup>the Director General of Gas Supply, <sup>[F4]</sup>the Civil

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- Aviation Authority,]<sup>F5</sup>the Director General of Water Services,]<sup>F6</sup>the Director General of Electricity Supply, ]<sup>F7</sup>the Authorised Conveyancing Practitioners Board]],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>F8</sup>or subordinate legislation]specified in subsection (3) below; or
  - (d) in pursuance of a Community obligation.
- (3) The enactments ]<sup>F9</sup>and subordinate legislation]referred to in subsection (2) above are—
- (a) the <sup>M1</sup>Trade Descriptions Act 1968;
  - (b) the <sup>M2</sup>Fair Trading Act 1973;
  - (c) the <sup>M3</sup>Consumer Credit Act 1974;
  - (d) the <sup>M4</sup>Restrictive Trade Practices Act 1976;
  - (e) the <sup>M5</sup>Resale Prices Act 1976;. . . <sup>F10</sup>
  - (f) the <sup>M6</sup>Estate Agents Act 1979.
  - <sup>F11</sup>(g) the Telecommunications Act 1984.]
  - <sup>F12</sup>(h) the Gas Act 1986.]
  - <sup>F13</sup>(h) Chapter XIV of Part I of the Financial Services Act 1986]
  - <sup>F14</sup>(i) the Airports Act 1986.]
  - <sup>F15</sup>(j) the Consumer Protection Act 1987.]
  - <sup>F16</sup>(k) the Control of Misleading Advertisements Regulations 1988]
  - <sup>F17</sup>(k) the Consumer Protection (Northern Ireland) Order 1987.]
  - <sup>F18</sup>(l) the Water Act 1989.]
  - <sup>F19</sup>(m) the Courts and Legal Services Act 1990]
  - <sup>F20</sup>(m) the Electricity Act 1989.]
  - <sup>F21</sup>(n) the Broadcasting Act 1990]
- (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>M7</sup>Agricultural Marketing Act 1958 there shall be added the words “or the Competition Act 1980” ;
  - <sup>F22</sup>(b) at the end of paragraph (aaa) of section 23(2) of the <sup>M8</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

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- (f) in paragraph (a) of subsection 10 of the <sup>M9</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; or
  - (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.
- (7) In subsection (6) above “the statutory maximum”, in relation to a fine on summary conviction, means—
- (a) in England and Wales. . . <sup>F23</sup>,the prescribed sum within the meaning of [<sup>F24</sup>section 32 of the Magistrates’ Courts Act 1980](at the passing of this Act £1,000); and
  - (b) in Scotland, the prescribed sum within the meaning of section 289B of the <sup>M10</sup>Criminal Procedure (Scotland) Act 1975 (at the passing of this Act £1,000); [<sup>F25</sup>and]
  - [<sup>F26</sup>(c) in Northern Ireland, the prescribed sum within the meaning of Article 4 of the Fines and Penalties (Northern Ireland) Order 1984.]

### Textual Amendments

- F1** Words inserted by [S.I. 1988/915, art. 7\(6\)\(e\)\(i\)](#)
- F2** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\), s. 109, Sch. 4 para. 73\(1\), Sch. 5 para. 45](#)
- F3** Words inserted by [Gas Act 1986 \(c. 44, SIF 44:2\), s. 67\(1\), Sch. 7 para. 28\(1\)](#)
- F4** Words inserted by [Airports Act 1986 \(c. 31, SIF 9\), s. 83\(1\), Sch. 4 para. 7\(a\)](#)
- F5** Words inserted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\), s. 190\(1\), Sch. 25 para. 59\(2\)\(a\)](#)
- F6** Words inserted (E.W.S.) by [Electricity Act 1989 \(c. 29, SIF 44:1\), s. 112\(1\), Sch. 16 para. 25\(a\)](#)
- F7** Words inserted (*prosp.*) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\), ss. 124\(3\), 125\(3\), Sch. 18 para. 23\(2\)](#)
- F8** Words inserted by [S.I. 1988/915, art. 7\(6\)\(e\)\(i\)](#)
- F9** Words inserted by [S.I. 1988/915, art. 7\(6\)\(e\)\(ii\)](#)
- F10** Word repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\), s. 109\(6\), Sch. 7 Pt. I](#)
- F11** 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](#)
- F12** 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)
- F13** Para. (h) inserted (18.12.1986) at the end of section 19(3) by [Financial Services Act 1986 \(c. 60, SIF 69\), s. 182, Sch. 13 para. 5](#) (Royal Assent 7.11.1986)
- F14** 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)
- F15** 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)
- F16** 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)

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- F17** 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)
- F18** 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)
- F19** 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)
- F20** 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)
- F21** 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)
- F22** 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**
- F23** Words repealed by S.I. 1984/703, (N.I. 3), art. 19(1)(2), Sch. 6 para. 15(a), Sch. 7
- F24** Words substituted by **Magistrates' Courts Act 1980** (c. 43, SIF 82), s. 154, **Sch. 7 para. 206**
- F25** Word added by S.I. 1984/703, (N.I. 3), art. 19(1), Sch. 6 para. 15(b)
- F26** Words substituted by S.I. 1984/703 (N.I. 3), art. 19(1), **Sch. 6 para. 15(c)**

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

- C2** S. 19 amended (E.W.S.) by **Electricity Act 1989** (c. 29, SIF 44:1), s. 43(3)
- C3** S. 19(1) excluded by **Broadcasting Act 1990** (c. 42, SIF 96), s. 197(5)(c)
- C4** 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

- M1** 1968 c. 29(109:1).
- M2** 1973 c. 41(124:1).
- M3** 1974 c. 39(60).
- M4** 1976 c. 34(124:1).
- M5** 1976 c. 53(124:1).
- M6** 1979 c. 38(124:4).
- M7** 1958 c. 47.
- M8** 1964 c. 13 (N.I.)
- M9** 1979 c. 38.
- M10** 1975 c. 21.

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