

Changes to legislation: There are currently no known outstanding effects for the Companies Act 1989, Paragraph 4A. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 14

SUPERVISORY AND QUALIFYING BODIES: RESTRICTIVE PRACTICES

Textual Amendments

- F1** Sch. 14 ceased to have effect (1.5.2004) by virtue of [The Competition Act 1998 and Other Enactments \(Amendment\) Regulations 2004 \(S.I. 2004/1261\)](#), reg. 5, [Sch. 2 para. 2\(2\)](#) (with reg. 6(2))

PART I

PREVENTION OF RESTRICTIVE PRACTICES]

Investigatory powers of the Director

Enforcement

- [^{F1}4A (1) The court may, on an application by the OFT, enquire into whether any person (“the defaulter”) has refused or otherwise failed, without reasonable excuse, to comply with a notice under paragraph 4.
- (2) An application under sub-paragraph (1) shall include details of the possible failure which the OFT considers has occurred.
- (3) In enquiring into a case under sub-paragraph (1), the court shall hear any witness who may be produced against or on behalf of the defaulter and any statement which may be offered in defence.
- (4) Sub-paragraphs (5) and (6) apply where the court is satisfied, after hearing any witnesses and statements as mentioned in sub-paragraph (3), that the defaulter has refused or otherwise failed, without reasonable excuse, to comply with the notice under paragraph 4.
- (5) The court may punish the defaulter as it would have been able to punish him had he been guilty of contempt of court.
- (6) Where the defaulter is a body corporate, the court may punish any director or officer of the defaulter as it would have been able to punish that director or officer had the director or officer been guilty of contempt of court.
- [Where the defaulter is a partnership constituted under the law of Scotland, the court ^{F2}(6A) may punish any partner of the defaulter as it would have been able to punish him had he been guilty of contempt of court.]
- (7) In this section “the court”—

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- (a) in relation to England and Wales, means the High Court, and
- (b) in relation to Scotland, means the Court of Session.]

Textual Amendments

- F1** Sch. 14 para. 4A inserted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 21(4)(d); S.I. 2003/766, [art. 2, Sch.](#) (with transitional and transitory provision in [art. 3](#))
- F2** Sch. 14 para. 4A(6A) inserted (20.6.2003) by [The Enterprise Act 2002 \(Consequential and Supplemental Provisions\) Order 2003 \(S.I. 2003/1398\)](#), art. 2, [Sch. para. 10\(2\)](#)

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