



Competition Act 1998

1998 CHAPTER 41

PART I

COMPETITION

CHAPTER V

MISCELLANEOUS

Director's rules, guidance and fees

51 Rules

- (1) The Director may make such rules about procedural and other matters in connection with the carrying into effect of the provisions of this Part as he considers appropriate.
- (2) Schedule 9 makes further provision about rules made under this section but is not to be taken as restricting the Director's powers under this section.
- (3) If the Director is preparing rules under this section he must consult such persons as he considers appropriate.
- (4) If the proposed rules relate to a matter in respect of which a regulator exercises concurrent jurisdiction, those consulted must include that regulator.
- (5) No rule made by the Director is to come into operation until it has been approved by an order made by the Secretary of State.
- (6) The Secretary of State may approve any rule made by the Director—
 - (a) in the form in which it is submitted; or
 - (b) subject to such modifications as he considers appropriate.

- (7) If the Secretary of State proposes to approve a rule subject to modifications he must inform the Director of the proposed modifications and take into account any comments made by the Director.
- (8) Subsections (5) to (7) apply also to any alteration of the rules made by the Director.
- (9) The Secretary of State may, after consulting the Director, by order vary or revoke any rules made under this section.
- (10) If the Secretary of State considers that rules should be made under this section with respect to a particular matter he may direct the Director to exercise his powers under this section and make rules about that matter.

52 Advice and information

- (1) As soon as is reasonably practicable after the passing of this Act, the Director must prepare and publish general advice and information about—
 - (a) the application of the Chapter I prohibition and the Chapter II prohibition, and
 - (b) the enforcement of those prohibitions.
- (2) The Director may at any time publish revised, or new, advice or information.
- (3) Advice and information published under this section must be prepared with a view to—
 - (a) explaining provisions of this Part to persons who are likely to be affected by them; and
 - (b) indicating how the Director expects such provisions to operate.
- (4) Advice (or information) published by virtue of subsection (3)(b) may include advice (or information) about the factors which the Director may take into account in considering whether, and if so how, to exercise a power conferred on him by Chapter I, II or III.
- (5) Any advice or information published by the Director under this section is to be published in such form and in such manner as he considers appropriate.
- (6) If the Director is preparing any advice or information under this section he must consult such persons as he considers appropriate.
- (7) If the proposed advice or information relates to a matter in respect of which a regulator exercises concurrent jurisdiction, those consulted must include that regulator.
- (8) In preparing any advice or information under this section about a matter in respect of which he may exercise functions under this Part, a regulator must consult—
 - (a) the Director;
 - (b) the other regulators; and
 - (c) such other persons as he considers appropriate.

53 Fees

- (1) The Director may charge fees, of specified amounts, in connection with the exercise by him of specified functions under this Part.
- (2) Rules may, in particular, provide—

Status: This is the original version (as it was originally enacted).

- (a) for the amount of any fee to be calculated by reference to matters which may include—
 - (i) the turnover of any party to an agreement (determined in such manner as may be specified);
 - (ii) the turnover of a person whose conduct the Director is to consider (determined in that way);
 - (b) for different amounts to be specified in connection with different functions;
 - (c) for the repayment by the Director of the whole or part of a fee in specified circumstances;
 - (d) that an application or notice is not to be regarded as duly made or given unless the appropriate fee is paid.
- (3) In this section—
- (a) “rules” means rules made by the Director under section 51; and
 - (b) “specified” means specified in rules.