



Competition Act 1998

1998 CHAPTER 41

PART I

COMPETITION

CHAPTER V

MISCELLANEOUS

Regulators

54 Regulators.

- (1) In this Part “regulator” means [^{F1}—
 - [^{F2}(a) the Office of Communications;]
 - (b) the Gas and Electricity Markets Authority;
 - [^{F3}(c)
 - (d) [^{F4}the Water Services Regulation Authority;]
 - (e) the [^{F5}Office of Rail and Road];
 - (f) [^{F6}the Northern Ireland Authority for Utility Regulation;]
 - (g) the Civil Aviation Authority][^{F7}; [^{F8}and]]
 - [^{F9}(h)
 - [^{F10}(i) the Payment Systems Regulator established under section 40 of the Financial Services (Banking Reform) Act 2013.]
 - [^{F11}(j) the Financial Conduct Authority.]
- (2) Parts II and III of Schedule 10 provide for functions of the [^{F12}CMA] under this Part to be exercisable concurrently by regulators.
- (3) Parts IV and V of Schedule 10 make minor and consequential amendments in connection with the regulators’ competition functions.

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- (4) The Secretary of State may make regulations for the purpose of co-ordinating the performance of functions under this Part (“Part I functions”) which are exercisable concurrently by two or more competent persons as a result of [^{F13}any enactment (including any subordinate legislation) whenever passed or made].
- (5) The regulations may, in particular, make provision—
- (a) as to the procedure to be followed by competent persons when determining who is to exercise Part I functions in a particular case;
 - (b) as to the steps which must be taken before a competent person exercises, in a particular case, such Part I functions as may be prescribed;
 - (c) as to the procedure for determining, in a particular case, questions arising as to which competent person is to exercise Part I functions in respect of the case;
 - (d) for Part I functions in a particular case to be exercised jointly—
 - (i) by the [^{F14}CMA] and one or more regulators, or
 - (ii) by two or more regulators,
 and as to the procedure to be followed in such cases;
 - (e) as to the circumstances in which the exercise by a competent person of such Part I functions as may be prescribed is to preclude the exercise of such functions by another such person;
 - (f) for cases in respect of which Part I functions are being, or have been, exercised by a competent person to be transferred to another such person;
 - (g) for the person (“A”) exercising Part I functions in a particular case—
 - (i) to appoint another competent person (“B”) to exercise Part I functions on A’s behalf in relation to the case; or
 - (ii) to appoint officers of B (with B’s consent) to act as officers of A in relation to the case;
 - (h) for notification as to who is exercising Part I functions in respect of a particular case.
- ^{F15}(6) Provision made by virtue of subsection (5)(c) may provide for questions to be referred to and determined by the Secretary of State [^{F16}, the CMA] or by such other person as may [^{F17}—
- (a) prescribe circumstances in which the CMA may decide that, in a particular case, it is to exercise Part 1 functions in respect of the case rather than a regulator;
 - (b) be prescribed.
- [Where the regulations make provision as mentioned in subsection (6)(a), they must—
- ^{F18}(6A) (a) include provision requiring the CMA to consult the regulator concerned before making a decision that the CMA is to exercise Part 1 functions in respect of a particular case, and
- (b) provide that, in a case where a regulator has given notice under section 31(1) that it proposes to make a decision (within the meaning given by section 31(2)), the CMA may only decide that it is to exercise Part 1 functions in respect of the case rather than the regulator if the regulator consents.]

[The Secretary of State may by regulations make provision requiring arrangements to

^{F19}(6B) be made for the sharing of information between competent persons in connection with concurrent cases.]

[For the purposes of subsection (6B), “a concurrent case” is a case in respect of which—

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- ^{F19}(6C) (a) the CMA considers that Part 1 functions are, or (but for provision made under subsection (5)(e)) would be, exercisable by both it and any regulator;
(b) any regulator considers that Part 1 functions are, or (but for provision made under subsection (5)(e)) would be, exercisable by it.]

(7) “Competent person” means the [^{F20}CMA] or any of the regulators.

[In this section, “subordinate legislation” has the same meaning as in section 21(1) of ^{F21}(8) the [Interpretation Act 1978 \(c 30\)](#) and includes an instrument made under—

- (a) an Act of the Scottish Parliament;
(b) Northern Ireland legislation.]]

Textual Amendments

- F1** Words in s. 54(1) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 25 para. 38(41)(a)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F2** S. 54(1)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), **ss. 371(5)(a)**, 411(2) (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F3** S. 54(1)(c) omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 15 para. 11(a)**; S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F4** S. 54(1)(d) substituted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), s. 105(3), **Sch. 7 para. 32(2)**; S.I. 2005/2714, art. 4(f)
- F5** Words in s. 54(1)(e) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 4(m)**
- F6** S. 54(1)(f) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 15 para. 11(b)**; S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F7** S. 54(1)(h) and word inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 74(5)(b)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** Word in s. 54(1)(g) omitted (1.11.2014 for specified purposes, 1.4.2015 so far as not already in force) by virtue of [Financial Services \(Banking Reform\) Act 2013 \(c. 33\)](#), **ss. 67(2)**, 148(5); S.I. 2014/2458, arts. 2(a)(ii), 3(b)(iii)
- F9** S. 54(1)(h) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 12 para. 2**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F10** S. 54(1)(i) inserted (1.11.2014 for specified purposes, 1.4.2015 so far as not already in force) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\)](#), **ss. 67(2)**, 148(5); S.I. 2014/2458, arts. 2(a)(ii), 3(b)(iii)
- F11** S. 54(1)(j) inserted (1.11.2014 for specified purposes, 1.4.2015 so far as not already in force) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\)](#), s. 148(5), **Sch. 8 para. 9**; S.I. 2014/2458, arts. 2(b)(bb)(i), 3(b)(v)
- F12** Word in s. 54(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 5 para. 33** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F13** Words in s. 54(4) substituted (1.5.2004) by [The Competition Act 1998 and Other Enactments \(Amendment\) Regulations 2004 \(S.I. 2004/1261\)](#), reg. 1(a), **Sch. 1 para. 33(2)**
- F14** Word in s. 54(5) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 5 para. 33** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F15** Words in s. 54(6) inserted (25.4.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 51(2)(b)**, 103(1)(i)(3); S.I. 2014/416, art. 2(1)(b) (with Sch.)
- F16** Words in s. 54(6) inserted (25.4.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 51(2)(b)**, 103(1)(i)(3); S.I. 2014/416, art. 2(1)(b) (with Sch.)

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- F17** Words in s. 54(6) inserted (25.4.2013 for specified purposes, 1.4.2014 in so far as not already in force) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 51(2)(a)**, 103(1)(i)(3); S.I. 2014/416, art. 2(1)(b) (with Sch.)
- F18** S. 54(6A) inserted (25.4.2013 for specified purposes, 1.4.2014 in so far as not already in force) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 51(3)**, 103(1)(i)(3); S.I. 2014/416, art. 2(1)(b) (with Sch.)
- F19** S. 54(6B)(6C) inserted (25.4.2013 for specified purposes, 1.4.2014 in so far as not already in force) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 51(4)**, 103(1)(i)(3); S.I. 2014/416, art. 2(1)(b) (with Sch.)
- F20** Word in s. 54(7) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 33** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F21** S. 54(8) inserted (1.5.2004) by The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004 (S.I. 2004/1261), reg. 1(a), **Sch. 1 para. 33(3)**

Modifications etc. (not altering text)

- C1** Pt. 1 modified (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), **ss. 371(3)**, 411(2) (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- C2** S. 54(5)-(7) applied by 1986 c. 46, s. 9D(2) (as inserted (20.6.2003) by Enterprise Act 2002 (c. 40), **ss. 204(2)**, 279; S.I. 2003/1397, art. 2(1), Sch.)
- C3** S. 54(5)-(7) applied by S.I. 2002/3150 (N.I. 4), art. 13D(2) (as inserted (19.12.2005) by The Company Directors Disqualification (Amendment) (Northern Ireland) Order 2005 (S.I. 2005/1454), arts. 1(3), 3; S.R. 2005/514, art. 2)

Commencement Information

- I1** S. 54 wholly in force; s. 54 not in force at Royal Assent see s. 76(3); s. 54(2) in force for certain purposes at 26.11.1998 by S.I. 1998/2750, **art. 2**; s. 54(3) in force for certain purposes at 11.1.1999 and s. 54(4)-(7) in force at the same date by S.I. 1998/3166, **art. 2, Sch.**; s. 54(3) in force for certain purposes at 1.4.1999 by S.I. 1999/505, **art. 2, Sch. 2**; s. 54(1)(2) and (3) wholly in force at 1.3.2000 by S.I. 2000/344, **art. 2, Sch.**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket Amendment words substituted by [2005 c. 4 Sch. 11 para. 5](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31G-31L and cross-heading inserted by S.I. 2019/93, reg. 8A (as inserted) by [S.I. 2019/1245 reg. 3](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 46(3)(ha)(hb) inserted by S.I. 2019/93, reg. 14(d) (as inserted) by [S.I. 2019/1245 reg. 5](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 47(1)(ca) inserted by S.I. 2019/93, reg. 15(b) (as substituted) by [S.I. 2019/1245 reg. 6](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 60A(10) inserted by [2023 c. 28 s. 6\(10\)](#)
- Sch. 6A para. 1A inserted by S.I. 2019/93, reg. 29A(2) (as inserted) by [S.I. 2019/1245 reg. 7](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 6A Pt. 3 inserted by S.I. 2019/93, reg. 29A(4) (as inserted) by [S.I. 2019/1245 reg. 7](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)