
Changes to legislation: Competition Act 1998, Cross Heading: Withdrawal of the paragraph 1 exclusion is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

EXCLUSIONS: MERGERS AND CONCENTRATIONS

PART I

MERGERS

Withdrawal of the paragraph 1 exclusion

- 4 (1) The exclusion provided by paragraph 1 does not apply to a particular agreement if the [F1CMA] gives a direction under this paragraph to that effect.
- (2) If the [F1CMA] is considering whether to give a direction under this paragraph, [F2it] may by notice in writing require any party to the agreement in question to give [F2the [F1CMA]] such information in connection with the agreement as [F2it] may require.
- (3) The [F1CMA] may give a direction under this paragraph only as provided in sub-paragraph (4) or (5).
- (4) If at the end of such period as may be specified in rules under section 51 a person has failed, without reasonable excuse, to comply with a requirement imposed under sub-paragraph (2), the [F1CMA] may give a direction under this paragraph.
- (5) The [F1CMA] may also give a direction under this paragraph if—
- [F3(a) it considers that the agreement will, if not excluded, infringe the Chapter I prohibition; and]
 - (b) the agreement is not a protected agreement.
- (6) [F4For the purposes of sub-paragraph (5), an individual exemption is unconditional if no conditions or obligations are imposed in respect of it under section 4(3)(a).]
- (7) A direction under this paragraph—
- (a) must be in writing;
 - (b) may be made so as to have effect from a date specified in the direction (which may not be earlier than the date on which it is given).

Textual Amendments

- F1** Words in Sch. 1 para. 4(1)-(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 53(2)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in Sch. 1 para. 4(2) substituted (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 38(50)(c)(ii)**; S.I. 2003/1397, art. 2(1), Sch. (with art. 8)
- F3** Sch. 1 para. 4(5)(a) 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. 48(2)(a)**

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F4 Sch. 1 para. 4(6) 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. 1(a), **Sch. 1 para. 48(2)(b)** (with reg. 6(2))

Modifications etc. (not altering text)

C1 Sch. 1 para. 4 applied (1.3.2000) by [S.I. 2000/310](#), **art. 7**

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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.)