

**Changes to legislation:** Competition Act 1998, SCHEDULE 9 is up to date with all changes known to be in force on or before 10 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 9

Section 51(2).

#### [<sup>F1</sup>CMA'S] RULES

##### Textual Amendments

- F1** Word in Sch. 9 heading substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 58\(2\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

##### *General*

- [<sup>F2</sup>1 In this Schedule “rules” means rules made by the [<sup>F3</sup>CMA] under section 51.]

##### Textual Amendments

- F2** Sch. 9 para. 1 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. 54\(2\)](#)
- F3** Word in Sch. 9 para. 1 substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 5 para. 58\(3\)](#) (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

##### *[<sup>F4</sup>Delegation of functions*

##### Textual Amendments

- F4** Sch. 9 para. 1A and cross-heading 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. 42\(4\)](#), 103(1)(i)(3); S.I. 2014/416, art. 2(1)(b) (with Sch.)

- 1A (1) Rules may provide for the exercise of a function of the CMA under this Part on its behalf—
- (a) by one or more members of the CMA Board (see Part 2 of Schedule 4 to the Enterprise and Regulatory Reform Act 2013);
  - (b) by one or more members of the CMA panel (see Part 3 of that Schedule to that Act);
  - (c) by one or more members of staff of the CMA;
  - (d) jointly by one or more of the persons mentioned in paragraph (a), (b) or (c).
- (2) Sub-paragraph (1) does not apply in relation to any function prescribed in regulations made under section 7(1) of the Civil Aviation Act 1982 (power for Secretary of State to prescribe certain functions of the Civil Aviation Authority which must not be performed on its behalf by any other person).]

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### Applications

- 2 [F5] Rules may make provision—
- (a) as to the form and manner in which an application for guidance or an application for a decision must be made;
  - (b) for the procedure to be followed in dealing with the application;
  - (c) for the application to be dealt with in accordance with a timetable;
  - (d) as to the documents and information which must be given to the [F6OFT] in connection with the application;
  - (e) requiring the applicant to give such notice of the application, to such other persons, as may be specified;
  - (f) as to the consequences of a failure to comply with any rule made by virtue of sub-paragraph (e);
  - (g) as to the procedure to be followed when the application is subject to the concurrent jurisdiction of the [F6OFT] and a regulator.]

#### Textual Amendments

- F5** Sch. 9 para. 2 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. 54\(3\)](#) (with reg. 6(2))
- F6** Words in Sch. 9 substituted (1.4.2003) by [Enterprise Act 2002](#) (c. 40), s. 279, [Sch. 25 para. 38\(55\)](#); [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)

### Provisional decisions

- 3 [F7] Rules may make provision as to the procedure to be followed by the [F6OFT] when making a provisional decision under paragraph 3 of Schedule 5 or paragraph 3 of Schedule 6.]

#### Textual Amendments

- F6** Words in Sch. 9 substituted (1.4.2003) by [Enterprise Act 2002](#) (c. 40), s. 279, [Sch. 25 para. 38\(55\)](#); [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F7** Sch. 9 para. 3 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. 54\(3\)](#) (with reg. 6(2))

### Guidance

- 4 [F8] Rules may make provision as to—
- (a) the form and manner in which guidance is to be given;
  - (b) the procedure to be followed if—
    - (i) the [F6OFT] takes further action with respect to an agreement after giving guidance that it is not likely to infringe the Chapter I prohibition; or
    - (ii) the [F6OFT] takes further action with respect to conduct after giving guidance that it is not likely to infringe the Chapter II prohibition.]

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### Textual Amendments

- F6** Words in Sch. 9 substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 38(55)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F8** Sch. 9 para. 4 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. 54(3)** (with reg. 6(2))

### Decisions

- 5 (1) Rules may make provision as to—
- (a) the form and manner in which notice of any decision is to be given;
  - (b) the person or persons to whom the notice is to be given;
  - (c) the manner in which the [F9CMA] is to publish a decision;
  - [F10(d)] the procedure to be followed if—
    - (i) the [F9CMA] takes further action with respect to an agreement after having decided that it does not infringe the Chapter I prohibition; [F11or]
    - [F12(ii)] .....
    - (iii) the [F9CMA] takes further action with respect to conduct after having decided that it does not infringe the Chapter II prohibition; [F13 ...
    - [F13(iv)] .....
- [F14(2) In this paragraph “decision” means a decision of the [F9CMA] —
- (a) as to whether or not an agreement has infringed the Chapter I prohibition; [F15or]
  - [F16(b)] .....
  - (c) as to whether or not conduct has infringed the Chapter II prohibition; or
  - [F17(d)] .....

### Textual Amendments

- F9** Word in Sch. 9 para. 5(1)(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 58(4)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F10** Sch. 9 para. 5(1)(d) 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. 54(4)**
- F11** Word in Sch. 9 para. 5(1)(d)(i) inserted (31.12.2020) by The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **31(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Sch. 9 para. 5(1)(d)(ii) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **31(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Sch. 9 para. 5(1)(d)(iv) and word omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **31(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Sch. 9 para. 5(2) 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. 54(5)**
- F15** Word in Sch. 9 para. 5(2)(a) inserted (31.12.2020) by The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **31(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Sch. 9 para. 5(2)(b) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **31(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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**F17** Sch. 9 para. 5(2)(d) omitted (31.12.2020) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/93\)](#), regs. 1(1), **31(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

### Individual exemptions

- 6 <sup>F18</sup>Rules may make provision as to—
- (a) the procedure to be followed by the <sup>F6</sup>OFT] when deciding whether, in accordance with section 5—
    - (i) to cancel an individual exemption that <sup>F6</sup>it] has granted,
    - (ii) to vary or remove any of its conditions or obligations, or
    - (iii) to impose additional conditions or obligations;
  - (b) the form and manner in which notice of such a decision is to be given.]

#### Textual Amendments

- F6** Words in Sch. 9 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 25 para. 38(55)**; [S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F18** Sch. 9 para. 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. 54(6)** (with regs. 6(2), 10)

- 7 <sup>F19</sup>Rules may make provision as to—
- (a) the form and manner in which an application under section 4(6) for the extension of an individual exemption is to be made;
  - (b) the circumstances in which the <sup>F6</sup>OFT] will consider such an application;
  - (c) the procedure to be followed by the <sup>F6</sup>OFT] when deciding whether to grant such an application;
  - (d) the form and manner in which notice of such a decision is to be given.]

#### Textual Amendments

- F6** Words in Sch. 9 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 25 para. 38(55)**; [S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F19** Sch. 9 para. 7 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. 54(6)** (with reg. 6(2))

### Block exemptions

- <sup>F20</sup>8 Rules may make provision as to—
- (a) the procedure to be followed by the <sup>F21</sup>CMA] if it cancels a block exemption;
  - <sup>F22</sup>(b) .....]

#### Textual Amendments

- F20** Sch. 9 para. 8 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. 54(7)**

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- F21** Word in Sch. 9 para. 8 substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 58(5)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F22** Sch. 9 para. 8(b) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **31(4)**; 2020 c. 1, Sch. 5 para. 1(1)

*[<sup>F23</sup><sup>F24</sup>Assimilated] exemptions]*

**Textual Amendments**

- F23** Sch. 9 para. 9 crossheading substituted (31.12.2020) by The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **31(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F24** Word in Sch. 9 para. 9 heading substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 41(2)(e)**

- 9 Rules may make provision as to—
- (a) the circumstances in which the [<sup>F25</sup>CMA] may—
- (i) impose conditions or obligations in relation to [<sup>F26</sup>an assimilated][<sup>F27</sup>exemption],
- (ii) vary or remove any such conditions or obligations,
- (iii) impose additional conditions or obligations, or
- (iv) cancel the exemption;
- (b) as to the procedure to be followed by the [<sup>F25</sup>CMA] if [<sup>F6</sup>it] is acting under section 10(5);
- (c) the form and manner in which notice of a decision to take any of the steps in sub-paragraph (a) is to be given;
- (d) the circumstances in which an exemption may be cancelled with retrospective effect.

**Textual Amendments**

- F6** Words in Sch. 9 substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 38(55)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F25** Word in Sch. 9 para. 9 substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 58(6)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F26** Words in Sch. 9 para. 9(a)(i) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 41(3)(d)**
- F27** Words in Sch. 9 para. 9(a)(i) substituted (31.12.2020) by The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **31(6)**; 2020 c. 1, Sch. 5 para. 1(1)

**F28** ...

**Textual Amendments**

- F28** Sch. 9 para. 10 and crossheading omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **31(7)**; 2020 c. 1, Sch. 5 para. 1(1)

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### *Directions withdrawing exclusions*

- 11 [F29]Rules may make provision as to the factors which the [F30]CMA] may take into account when [F6;it] is determining the date on which a direction given under paragraph 4(1) of Schedule 1 or paragraph 2(3) or 9(3) of Schedule 3 is to have effect.]

#### **Textual Amendments**

- F6** Words in Sch. 9 substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 38(55)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F29** Words in Sch. 9 para. 11 cease to have effect (1.5.2007) by The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004 (S.I. 2004/1261), reg. 1(b), **Sch. 1 para. 54(8)** (with reg. 6(2))
- F30** Word in Sch. 9 para. 11 substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 58(7)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

### *Disclosure of information*

- 12 (1) Rules may make provision as to the circumstances in which the [F31]CMA] is to be required, before disclosing information given to [F6;it] by a third party in connection with the exercise of any of the [F32]CMA's] functions under Part I, to give notice, and an opportunity to make representations, to the third party.
- (2) In relation to the agreement (or conduct) concerned, “third party” means a person who is not a party to the agreement (or who has not engaged in the conduct).

#### **Textual Amendments**

- F6** Words in Sch. 9 substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 38(55)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F31** Word in Sch. 9 para. 12(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 58(8)(a)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F32** Word in Sch. 9 para. 12(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 58(8)(b)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

### *Applications under section 47*

- 13 Rules may make provision as to—
- (a) the period within which an application under section 47(1) must be made;
  - (b) the procedure to be followed by the [F33]CMA ] in dealing with the application;
  - (c) the person or persons to whom notice of the [F34]CMA's] response to the application is to be given.

#### **Textual Amendments**

- F33** Word in Sch. 9 para. 13 substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 58(9)(a)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

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**F34** Word in Sch. 9 para. 13 substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 58(9)(b)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

*[<sup>F35</sup>Oral hearings: procedure*

**Textual Amendments**

**F35** Sch. 9 para. 13A and cross-heading 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. 42(5), 103(1)(i)(3)**; S.I. 2014/416, art. 2(1)(b) (with Sch.)

- 13A (1) Rules may make provision as to the procedure to be followed by the CMA in holding oral hearings as part of an investigation.
- (2) Rules may, in particular, make provision as to the appointment of a person mentioned in sub-paragraph (3) who has not been involved in the investigation in question to—
- (a) chair an oral hearing, and
  - (b) prepare a report following the hearing and give it to the person who is to exercise on behalf of the CMA its function of making a decision (within the meaning given by section 31(2)) as a result of the investigation.
- (3) The persons are—
- (a) a member of the CMA Board;
  - (b) a member of the CMA panel;
  - (c) a member of staff of the CMA.
- (4) The report must—
- (a) contain an assessment of the fairness of the procedure followed in holding the oral hearing, and
  - (b) identify any other concerns about the fairness of the procedure followed in the investigation which have been brought to the attention of the person preparing the report.]

*[<sup>F36</sup>Procedural complaints*

**Textual Amendments**

**F36** Sch. 9 para. 13B and cross-heading 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. 42(6), 103(1)(i)(3)**; S.I. 2014/416, art. 2(1)(b) (with Sch.)

- 13B (1) Rules may make provision as to arrangements to be made by the CMA for dealing with complaints about the conduct by the CMA of an investigation.
- (2) Rules may, in particular, make provision as to—
- (a) the appointment of a person mentioned in sub-paragraph (3) who has not been involved in the investigation in question to consider any such complaint;
  - (b) the time-table for the consideration of any such complaint.



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- (3) The persons are—
- (a) a member of the CMA Board;
  - (b) a member of the CMA panel;
  - (c) a member of staff of the CMA.]

*[<sup>F37</sup> Settling cases*

**Textual Amendments**

**F37** Sch. 9 para. 13C and cross-heading 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. 42\(7\)](#), [103\(1\)\(i\)\(3\)](#); [S.I. 2014/416](#), [art. 2\(1\)\(b\)](#) (with Sch.)

- 13C Rules may make provision as to the procedure to be followed in a case where, during an investigation, one or more persons notify the CMA that they accept that there has been an infringement of a kind to which the investigation relates.]

*Enforcement*

- 14 Rules may make provision as to the procedure to be followed when the [<sup>F38</sup>CMA] takes action under any of sections [<sup>F39</sup>32 to 40] with respect to the enforcement of the provisions of this Part.

**Textual Amendments**

**F38** Word in Sch. 9 para. 14 substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [s. 103\(3\)](#), [Sch. 5 para. 58\(10\)](#) (with s. 28); [S.I. 2014/416](#), [art. 2\(1\)\(d\)](#) (with Sch.)

**F39** Words in Sch. 9 para. 14 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. 54\(9\)](#)



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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.)