

SCHEDULES

SCHEDULE 9

Section 51(2).

DIRECTOR’S RULES

General

- 1 In this Schedule—
- “application for guidance” means an application for guidance under section 13 or 21;
 - “application for a decision” means an application for a decision under section 14 or 22;
 - “guidance” means guidance given under section 13 or 21;
 - “rules” means rules made by the Director under section 51; and
 - “specified” means specified in rules.

Applications

- 2 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 Director 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 Director and a regulator.

Provisional decisions

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

Guidance

- 4 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—

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- (i) the Director 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 Director takes further action with respect to conduct after giving guidance that it is not likely to infringe the Chapter II prohibition.

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 Director is to publish a decision;
 - (d) the procedure to be followed if—
 - (i) the Director takes further action with respect to an agreement after having decided that it does not infringe the Chapter I prohibition; or
 - (ii) the Director takes further action with respect to conduct after having decided that it does not infringe the Chapter II prohibition.
- (2) In this paragraph “decision” means a decision of the Director (whether or not made on an application)—
- (a) as to whether or not an agreement has infringed the Chapter I prohibition, or
 - (b) as to whether or not conduct has infringed the Chapter II prohibition,
- and, in the case of an application for a decision under section 14 which includes a request for an individual exemption, includes a decision as to whether or not to grant the exemption.

Individual exemptions

- 6 Rules may make provision as to—
- (a) the procedure to be followed by the Director when deciding whether, in accordance with section 5—
 - (i) to cancel an individual exemption that he 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.
- 7 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 Director will consider such an application;
 - (c) the procedure to be followed by the Director when deciding whether to grant such an application;
 - (d) the form and manner in which notice of such a decision is to be given.

Block exemptions

- 8 Rules may make provision as to—
- (a) the form and manner in which notice of an agreement is to be given to the Director under subsection (1) of section 7;

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- (b) the procedure to be followed by the Director if he is acting under subsection (2) of that section;
- (c) as to the procedure to be followed by the Director if he cancels a block exemption.

Parallel exemptions

- 9 Rules may make provision as to—
- (a) the circumstances in which the Director may—
 - (i) impose conditions or obligations in relation to a parallel 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 Director if he 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.

Section 11 exemptions

- 10 Rules may, with respect to any exemption provided by regulations made under section 11, make provision similar to that made with respect to parallel exemptions by section 10 or by rules under paragraph 9.

Directions withdrawing exclusions

- 11 Rules may make provision as to the factors which the Director may take into account when he 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.

Disclosure of information

- 12 (1) Rules may make provision as to the circumstances in which the Director is to be required, before disclosing information given to him by a third party in connection with the exercise of any of the Director’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).

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 Director in dealing with the application;
 - (c) the person or persons to whom notice of the Director’s response to the application is to be given.

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Enforcement

- 14 Rules may make provision as to the procedure to be followed when the Director takes action under any of sections 32 to 41 with respect to the enforcement of the provisions of this Part.