



# Competition Act 1998

## 1998 CHAPTER 41

### PART I

#### COMPETITION

#### CHAPTER V

#### MISCELLANEOUS

#### *Findings of fact by Director*

#### **58 Findings of fact by Director**

- (1) Unless the court directs otherwise or the Director has decided to take further action in accordance with section 16(2) or 24(2), a Director's finding which is relevant to an issue arising in Part I proceedings is binding on the parties if—
- (a) the time for bringing an appeal in respect of the finding has expired and the relevant party has not brought such an appeal; or
  - (b) the decision of an appeal tribunal on such an appeal has confirmed the finding.
- (2) In this section—
- “a Director's finding” means a finding of fact made by the Director in the course of—
    - (a) determining an application for a decision under section 14 or 22, or
    - (b) conducting an investigation under section 25;
  - “Part I proceedings” means proceedings—
    - (a) in respect of an alleged infringement of the Chapter I prohibition or of the Chapter II prohibition; but
    - (b) which are brought otherwise than by the Director;
  - “relevant party” means—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in relation to the Chapter I prohibition, a party to the agreement which is alleged to have infringed the prohibition; and
  - (b) in relation to the Chapter II prohibition, the undertaking whose conduct is alleged to have infringed the prohibition.
- (3) Rules of court may make provision in respect of assistance to be given by the Director to the court in Part I proceedings.