



Competition Act 1998

1998 CHAPTER 41

PART II

INVESTIGATIONS IN RELATION TO ARTICLES 85 AND 86

61 Introduction

(1) In this Part—

“Article 85” and “Article 86” have the same meaning as in Part I;

“authorised officer”, in relation to the Director, means an officer to whom an authorisation has been given under subsection (2);

“the Commission” means the European Commission;

“the Director” means the Director General of Fair Trading;

“Commission investigation” means an investigation ordered by a decision of the Commission under a prescribed provision of Community law relating to Article 85 or 86;

“Director’s investigation” means an investigation conducted by the Director at the request of the Commission under a prescribed provision of Community law relating to Article 85 or 86;

“Director’s special investigation” means a Director’s investigation conducted at the request of the Commission in connection with a Commission investigation;

“prescribed” means prescribed by order made by the Secretary of State;

“premises” means—

- (a) in relation to a Commission investigation, any premises, land or means of transport which an official of the Commission has power to enter in the course of the investigation; and
- (b) in relation to a Director’s investigation, any premises, land or means of transport which an official of the Commission would have power to enter if the investigation were being conducted by the Commission.

(2) For the purposes of a Director’s investigation, an officer of the Director to whom an authorisation has been given has the powers of an official authorised by the

Status: This is the original version (as it was originally enacted).

Commission in connection with a Commission investigation under the relevant provision.

- (3) “Authorisation” means an authorisation given in writing by the Director which—
- (a) identifies the officer;
 - (b) specifies the subject matter and purpose of the investigation; and
 - (c) draws attention to any penalties which a person may incur in connection with the investigation under the relevant provision of Community law.