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STATUTORY INSTRUMENTS

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**2004 No. 1261**

**The Competition Act 1998 and Other  
Enactments (Amendment) Regulations 2004**

**8.—**(1) This regulation applies where, before the appointed day, the OFT has made a decision falling within paragraph (c), (d) or (e) of section 46(3), or has made a decision falling within paragraph (f) of section 46(3) in relation to an individual exemption.

(2) This regulation also applies where, on or after the appointed day, the [<sup>F1</sup>CMA] (by virtue of regulation 6) makes under section 5 of the 1998 Act a decision falling within paragraph (d)(i) or (ii) or (f) of section 46(3).

(3) Where this regulation applies—

- (a) sections 46 and 47 of and Schedule 8 to the 1998 Act shall have effect in relation to the decision in question without the amendments made by these Regulations; and
- (b) on an appeal in respect of that decision, the powers under paragraph 3(2) of Schedule 8 to that Act are not affected by the repeal by these Regulations of section 4 or 5 of this Act; but this does not allow the Competition Appeal Tribunal, on or after the appointed day, to extend the individual exemption.

(4) In this regulation—

- (a) references to section 46(3) are to section 46(3) of the 1998 Act as that subsection had effect before the appointed day; and
- (b) “individual exemption” has the same meaning as in regulation 6.

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**Textual Amendments**

- F1** Word in reg. 8(2) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) \(No. 2\) Order 2014 \(S.I. 2014/549\)](#), art. 1(1), [Sch. 1 para. 13\(3\)](#) (with art. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004, Section 8.