

SCHEDULE 1

Amendments to the Competition Act 1998

- 46.**—(1) Section 73 (crown application) is amended as follows.
- (2) For subsection (4) there is substituted—
- “(4) If an investigation is conducted under section 25 or 65D in respect of an agreement where none of the parties is the Crown or a person in the public service of the Crown, or in respect of conduct otherwise than by the Crown or such a person—
- (a) the power conferred by section 27 or (as the case may be) section 65F may not be exercised in relation to land which is occupied by a government department, or otherwise for purposes of the Crown, without the written consent of the appropriate person; and
- (b) none of sections 28, 28A, 65G and 65H applies in relation to land so occupied.”.
- (3) In subsection (6)—
- (a) after the word “62” there is inserted “, 62A”;
- (b) for the words from “a suspected infringement” onwards there is substituted “an agreement to which the Crown or a person in the service of the Crown is a party, or conduct by the Crown or such a person”.
- (4) After subsection (6) there is inserted—
- “(6A) In subsections (4) and (6) “agreement” includes a suspected agreement and is to be read as applying equally to, or in relation to, a decision by an association of undertakings or a concerted practice; and “conduct” includes suspected conduct.”.
- (5) Subsection (7) shall cease to have effect.
- (6) In subsection (8)—
- (a) in paragraph (a), after the words “section 27” there is inserted “or 65F”;
- (b) in paragraph (b), for the words “section 28, 62 or 63” there is substituted “section 28, 28A, 62, 62A, 63, 65G or 65H”.