

## SCHEDULE 1

### Amendments to the Competition Act 1998

52. Before Schedule 7 there is inserted—

“SCHEDULE 6A

Section 31A

### COMMITMENTS

## PART 1

### PROCEDURAL REQUIREMENTS FOR THE ACCEPTANCE AND VARIATION OF COMMITMENTS

1. Paragraph 2 applies where the OFT proposes to—
  - (a) accept any commitments under section 31A; or
  - (b) accept any variation of such commitments other than a variation which is not material in any respect.
- 2.—(1) Before accepting the commitments or variation, the OFT must—
  - (a) give notice under this paragraph; and
  - (b) consider any representations made in accordance with the notice and not withdrawn.(2) A notice under this paragraph must state—
  - (a) that the OFT proposes to accept the commitments or variation;
  - (b) the purpose of the commitments or variation and the way in which the commitments or variation would meet the OFT’s competition concerns;
  - (c) any other facts which the OFT considers are relevant to the acceptance or variation of the commitments; and
  - (d) the period within which representations may be made in relation to the proposed commitments or variation.(3) The period stated for the purposes of sub-paragraph (2)(d) must be at least 11 working days starting with the date the notice is given or, if that date is not a working day, with the date of the first working day after that date.
- 3.—(1) The OFT must not accept the commitments or variation of which notice has been given under paragraph 2(1) with modifications unless it—
  - (a) gives notice under this paragraph of the proposed modifications; and
  - (b) considers any representations made in accordance with the notice and not withdrawn.(2) A notice under this paragraph must state—
  - (a) the proposed modifications;
  - (b) the reasons for them; and
  - (c) the period within which representations may be made in relation to the proposed modifications.

**Changes to legislation:** *There are currently no known outstanding effects for the The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004, Paragraph 52. (See end of Document for details)*

(3) The period stated for the purposes of sub-paragraph (2)(c) must be at least 6 working days starting with the date the notice is given or, if that date is not a working day, with the date of the first working day after that date.

4. If, after giving notice under paragraph 2 or 3 the OFT decides—
- (a) not to accept the commitments or variation concerned, and
  - (b) not to proceed by virtue of paragraph 5 or 6,

the OFT must give notice that it has so decided.

5. The requirements of paragraph 3 shall not apply if the OFT—
- (a) has already given notice under paragraph 2 but not under paragraph 3; and
  - (b) considers that the modifications which are now being proposed are not material in any respect.

6. The requirements of paragraph 3 shall not apply if the OFT—
- (a) has already given notices under paragraphs 2 and 3; and
  - (b) considers that the further modifications which are now being proposed are not material in any respect or do not differ in any material respect from the modifications in relation to which notice was last given under paragraph 3.

7. As soon as practicable after accepting commitments or a variation under section 31A the OFT must publish the commitments or the variation in such manner as the OFT considers appropriate.

8. A notice under paragraph 2 or 3 shall be given by—
- (a) sending a copy of the notice to such person or persons as the OFT considers appropriate for the purpose of bringing the matter to which it relates to the attention of those likely to be affected by it; or
  - (b) publishing the notice in such manner as the OFT considers appropriate for the purpose of bringing the matter to which it relates to the attention of those likely to be affected by it.

## **PART 2**

### **PROCEDURAL REQUIREMENTS FOR THE RELEASE OF COMMITMENTS**

10. Paragraph 11 applies where the OFT proposes to release any commitments under section 31A.

- 11.—(1) Before releasing the commitments, the OFT must—
- (a) give notice under this paragraph;
  - (b) send a copy of the notice to the person (or persons) who gave the commitments; and
  - (c) consider any representations made in accordance with the notice and not withdrawn.
- (2) A notice under this paragraph must state—
- (a) the fact that a release is proposed;
  - (b) the reasons for it; and

(c) the period within which representations may be made in relation to the proposed release.

(3) The period stated for the purposes of sub-paragraph (2)(c) must be at least 11 working days starting with the date the notice is given or, if that date is not a working day, with the date of the first working day after that date.

**12.** If after giving notice under paragraph 11 the OFT decides not to proceed with the release, it must—

- (a) give notice that it has so decided; and
- (b) send a copy of the notice to the person (or persons) who gave the commitments.

**13.** As soon as practicable after releasing the commitments, the OFT must—

- (a) publish the release in such manner as it considers appropriate; and
- (b) send a copy of the release to the person (or persons) who gave the commitments.

**14.** A notice under paragraph 11 or 12 shall be given by—

- (a) sending a copy of the notice to such other person or persons as the OFT considers appropriate for the purpose of bringing the matter to which it relates to the attention of those likely to be affected by it; or
- (b) publishing the notice in such manner as the OFT considers appropriate for the purpose of bringing the matter to which it relates to the attention of those likely to be affected by it.”.

**Changes to legislation:**

There are currently no known outstanding effects for the The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004, Paragraph 52.