

SCHEDULE 2

Regulation 3

MINOR AND CONSEQUENTIAL AMENDMENTS

Competition Act 1998 (c. 41)

1. Chapter 4 of Part 1 of the Competition Act 1998 (appeals, proceedings before the Competition Appeal Tribunal and settlements relating to infringements of competition law) is amended as follows.

2. For the heading before section 46(1) substitute “Appeals before the Tribunal”.

3. Before section 47A(2) insert—

“Claims for loss or damage: proceedings before the Tribunal”.

4.—(1) In section 47C(3) (collective proceedings: damages and costs), omit subsection (1) (no exemplary damages).

(2) That subsection continues to apply in relation to collective proceedings to the extent that paragraph 36 of Schedule 8A to the Competition Act 1998 does not apply to them (see Part 10 of that Schedule) (and see the further saving in paragraph 10 of this Schedule).

5.—(1) Omit section 47E(4) (limitation or prescriptive periods for proceedings under section 47A and collective proceedings).

(2) That section continues to apply in respect of claims to which section 47A of the Competition Act 1998 applies to the extent that Part 5 of Schedule 8A to that Act does not apply to them (see Part 10 of that Schedule) (and see the further saving in paragraph 10 of this Schedule).

6. After section 47F (inserted by Schedule 1 to these Regulations) insert—

“Further appeals from the Tribunal”.

7. In the heading of section 49, at the end insert “from the Tribunal”.

8.—(1) Section 58A(5) (infringement decisions) is amended as follows.

(2) In subsection (3), for paragraphs (b) to (d) substitute—

“or

(b) where an appeal has been brought against the decision, when—

(i) the appeal and any further appeal in relation to the decision has been decided or has otherwise ended, and

(ii) the time for appealing against the result of the appeal or further appeal has expired without another appeal having been brought.”

(3) In subsection (4), for paragraph (b) substitute—

“(b) where such an appeal has been brought against the decision, when—

(1) Section 46 was amended by the Enterprise Act 2002 (c. 40) Schedule 5, paragraph 2(a), by S.I. 2004/1261 Schedule 1, paragraph 29(2), by S.I. 2012/1809, Schedule 1, Part 1, paragraph 1 and by the Enterprise and Regulatory Reform Act 2013 (c. 24), Schedule 5, Part 1, paragraph 26.

(2) Section 47A was substituted by the Consumer Rights Act 2015 (c. 15), Schedule 8, Part 1, paragraph 4(1).

(3) Section 47C was inserted by the Consumer Rights Act 2015, Schedule 8, Part 1, paragraph 6.

(4) Section 47E was inserted by the Consumer Rights Act 2015, Schedule 8, Part 1, paragraph 8(1).

(5) Section 58A was substituted by the Consumer Rights Act 2015, Schedule 8, Part 1, paragraph 14(1).

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- (i) the appeal and any further appeal in the European Court in relation to the decision has been decided or has otherwise ended, and
- (ii) the time for appealing against the result of the appeal or further appeal in the European Court has expired without another appeal having been brought.”

(4) The amendments made by this paragraph apply only in relation to a claim in respect of an infringement decision in relation to which the first proceedings before a court or the Tribunal began on or after the day on which these Regulations come into force.

9.—(1) Section 59 (interpretation) is amended as follows.

(2) In subsection (1), in the definition of “the court”(6), after “60” insert “and Schedule 8A”.

(3) In subsection (1A)(7), after “Scotland,” insert ““claimant” is to be read as “pursuer” and”.

Transport Act 2000 (c. 38)

10.—(1) In paragraph 23(2)(c) of Schedule 10 to the Transport Act 2000(8) (competition test in relation to buses: application of provisions of the Competition Act 1998), at the end insert “, except section 47F and Schedule 8A”.

(2) The provisions applied by paragraph 23 of that Schedule continue to include sections 47C(1) and 47E of the Competition Act 1998, despite the repeal of those provisions by this Schedule.

Enterprise Act 2002 (c. 40)

11.—(1) In paragraph 11(2)(a) of Schedule 4 to the Enterprise Act 2002(9) (Competition Appeal Tribunal rules: provision as to period within which and manner in which proceedings are to be brought), for “section 47E(3) to (6) of that Act” substitute “paragraph 23 of Schedule 8A to that Act”.

(2) The amendment made by sub-paragraph (1) does not apply in respect of rules relating to claims under section 47A of the Competition Act 1998 to the extent that section 47E of that Act continues to apply to the claims.

(6) The definition of “the court” in section 59 was amended by the Consumer Rights Act 2015, Schedule 8, Part 1, paragraph 15(3).

(7) Section 59(1A) was inserted by the Consumer Rights Act 2015, Schedule 8, Part 1, paragraph 15(4).

(8) 2000 c. 38. Paragraph 23 of Schedule 10 to the Transport Act 2000 (c. 38) was inserted by the Local Transport Act 2008 (c. 26), Schedule 2, paragraph 15.

(9) 2002 c. 40. Paragraph 11(2)(a) of Schedule 4 was amended by the Consumer Rights Act 2015 (c. 15), Schedule 8, Part 2, paragraph 29.