



Competition Act 1998

1998 CHAPTER 41

PART I

COMPETITION

CHAPTER I

AGREEMENTS

Excluded agreements

3 Excluded agreements.

- (1) The Chapter I prohibition does not apply in any of the cases in which it is excluded by or as a result of—
 - (a) Schedule 1 (mergers and concentrations);
 - (b) Schedule 2 (competition scrutiny under other enactments);
 - (c) Schedule 3 (planning obligations and other general exclusions). ^{F1}...
 - ^{F2}(d)
- (2) The Secretary of State may at any time by order amend Schedule 1, with respect to the Chapter I prohibition, by—
 - (a) providing for one or more additional exclusions; or
 - (b) amending or removing any provision (whether or not it has been added by an order under this subsection).
- (3) The Secretary of State may at any time by order amend Schedule 3, with respect to the Chapter I prohibition, by—
 - (a) providing for one or more additional exclusions; or
 - (b) amending or removing any provision—
 - (i) added by an order under this subsection; or
 - (ii) included in paragraph 1, 2, 8 or 9 of Schedule 3.

Changes to legislation: Competition Act 1998, Section 3 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) The power under subsection (3) to provide for an additional exclusion may be exercised only if it appears to the Secretary of State that agreements which fall within the additional exclusion—
- (a) do not in general have an adverse effect on competition, or
 - (b) are, in general, best considered under Chapter II or [^{F3}the ^{M1}Fair Trading Act 1973][^{F3}the Enterprise Act 2002].
- (5) An order under subsection (2)(a) or (3)(a) may include provision (similar to that made with respect to any other exclusion provided by the relevant Schedule) for the exclusion concerned to cease to apply to a particular agreement.
- (6) Schedule 3 also gives the Secretary of State power to exclude agreements from the Chapter I prohibition in certain circumstances.

Textual Amendments

- F1** Word in s. 3(1) repealed (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); S.I. 2003/766, art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), [Sch.](#))
- F2** S. 3(1)(d) repealed (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), ss. 207, 279, [Sch. 26](#) (with [Sch. 24](#) paras. 20, 22); S.I. 2003/766, art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), [Sch.](#))
- F3** Words in s. 3(4)(b) substituted (20.6.2003 for specified purposes, 29.12.2004 in so far as not already in force) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 38\(2\)](#); S.I. 2003/1397, art. 2(1), [Sch.](#) (with art. 3(1)); S.I. 2004/3233, art. 2, [Sch.](#) (with arts. 3-5)

Modifications etc. (not altering text)

- C1** [S. 3](#) applied (31.10.2023) by [The Transport \(Scotland\) Act 2019 \(Consequential Provisions and Modifications\) Order 2023 \(S.I. 2023/80\)](#), arts. 1(3), [22](#)

Commencement Information

- I1** [S. 3](#) wholly in force; [s. 3](#) not in force at Royal Assent see [s. 76\(3\)](#); [s. 3\(1\)\(b\)](#) in force for certain purposes at 11.1.1999 and [s. 3\(1\)\(a\)\(c\)\(d\)\(2\)-\(6\)](#) in force at 11.1.1999 by [S.I. 1998/3166](#), art. 2, [Sch.](#); [s. 3\(1\)\(b\)](#) fully in force at 1.3.2000 by [S.I. 2000/344](#), art. 2, [Sch.](#)

Marginal Citations

- M1** [1973 c. 41](#).

Changes to legislation:

Competition Act 1998, Section 3 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket Amendment words substituted by [2005 c. 4 Sch. 11 para. 5](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31G-31L and cross-heading inserted by S.I. 2019/93, reg. 8A (as inserted) by [S.I. 2019/1245 reg. 3](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 46(3)(ha)(hb) inserted by S.I. 2019/93, reg. 14(d) (as inserted) by [S.I. 2019/1245 reg. 5](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 47(1)(ca) inserted by S.I. 2019/93, reg. 15(b) (as substituted) by [S.I. 2019/1245 reg. 6](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 60A(10) inserted by [2023 c. 28 s. 6\(10\)](#)
- Sch. 6A para. 1A inserted by S.I. 2019/93, reg. 29A(2) (as inserted) by [S.I. 2019/1245 reg. 7](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 6A Pt. 3 inserted by S.I. 2019/93, reg. 29A(4) (as inserted) by [S.I. 2019/1245 reg. 7](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)