
DRAFT STATUTORY INSTRUMENTS

2004 No.

COMPETITION

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

Made - - - - - 2004

Coming into force

*For the purposes of
regulation*

*4 as it gives effect to
paragraphs*

*50(a) and 54(8) of
Schedule 1—*

1st May 2007

For all other purposes

1st May 2004

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**THE COMPETITION ACT 1998 AND OTHER
ENACTMENTS (AMENDMENT) REGULATIONS 2004**

1. Citation and commencement
2. Interpretation
3. Designation of national competition authorities
4. Amendments to the Competition Act 1998
5. Amendments to other enactments
6. Savings and consequential provision
7. (1) Paragraph (2) applies if, before the appointed day, the...
8. (1) This regulation applies where, before the appointed day, the...
9. (1) Paragraph (2) applies if— (a) an agreement has been...
10. Where section 5 of the 1998 Act continues to have...
Signature

SCHEDULE 1 — Amendments to the Competition Act 1998

1. In the long title of the 1998 Act, for “Article...
2. Section 4 (individual exemptions) shall cease to have effect.
3. Section 5 (cancellation etc. of individual exemptions) shall cease to...

4. (1) Section 6 (block exemptions) is amended as follows.
5. Section 7 (block exemptions: opposition) shall cease to have effect....
6. (1) Section 9 (the criteria for individual and block exemptions)...
7. (1) Section 10 (parallel exemptions) is amended as follows.
8. (1) Section 11 (exemption for certain other agreements) is amended...
9. Sections 12 to 16 and 20 to 24 (which concern...
10. For Section 25 (OFT's power to investigate) there is substituted—...
11. In section 26(1) (powers when conducting investigations), the words “under...
12. (1) Section 27 (power to enter premises without a warrant)...
13. (1) Section 28 (power to enter premises under a warrant)...
14. After section 28 there is inserted— Power to enter domestic...
15. (1) Section 29 (entry of premises under a warrant: supplementary)...
16. In section 30A (use of statements in prosecution), for the...
17. For section 31 (decisions following an investigation) there is substituted —...
18. After section 31 there is inserted— Commitments (1) Subsection (2) applies in a case where the OFT...
19. (1) Section 32 (directions in relation to agreements) is amended...
20. (1) Section 33 (directions in relation to conduct) is amended...
21. (1) Section 35 (interim measures) is amended as follows.
22. (1) Section 36 (penalty for infringing Chapter I or Chapter...
23. (1) Section 38 (the appropriate level of penalty) is amended...
24. (1) Section 39 (limited immunity for small agreements) is amended...
25. (1) Section 40 (limited immunity in relation to the Chapter...
26. Section 41 (agreements notified to the Commission) shall cease to...
27. (1) Section 42 (offences) is amended as follows.
28. (1) Section 43 (destroying or falsifying documents) is amended as...
29. (1) Section 46 (appealable decisions) is amended as follows.
30. (1) Section 47 (third party appeals) is amended as follows....
31. (1) Section 52 (advice and information) is amended as follows....
32. Section 53 (fees) shall cease to have effect.
33. (1) Section 54 (regulators) is amended as follows.
34. (1) Section 58 (findings of fact by OFT) is amended...
35. (1) Section 59 (interpretation of Part 1) is amended as...
36. For section 61 (introduction), and the Part heading immediately preceding...
37. (1) Section 62 (power to enter premises: Commission investigations) is...
38. After section 62 there is inserted— Power to enter non-business...
39. After section 62A, there is inserted— Powers when conducting an...
40. (1) Section 63 (power to enter premises: OFT's special investigations)...
41. (1) Section 64 (entry of premises under sections 62 and...
42. (1) Section 65 (offences) is amended as follows.
43. After section 65, there is inserted— Privileged communications: Article 22(2)...
44. After Part 2, there is inserted— PART 2A Article 22(1)...
45. In section 72(1) (offences by bodies corporate etc), for the...
46. (1) Section 73 (crown application) is amended as follows.
47. After section 75 there is inserted— Rules in relation to...
48. (1) Schedule 1 (exclusions: mergers and concentrations) is amended as...
49. (1) Schedule 2 (exclusions: other competition scrutiny) is amended as...
50. In Schedule 3 (general exclusions)— (a) paragraph 2 shall cease...
51. Schedule 5 (notification under Chapter I: procedure) and Schedule 6...

52. Before Schedule 7 there is inserted— SCHEDULE 6A COMMITMENTS PART...
53. (1) Schedule 8 (appeals) is amended as follows.
54. (1) Schedule 9 (OFT's rules) is amended as follows.

SCHEDULE 2 — Amendments to other enactments

1. (1) The Gas Act 1986 is amended as follows.
2. (1) The Companies Act 1989 is amended as follows.
3. (1) The Electricity Act 1989 is amended as follows.
4. (1) The Water Industry Act 1991 is amended as follows....
5. (1) The Electricity (Northern Ireland) Order 1992 is amended as...
6. (1) The Railways Act 1993 is amended as follows.
7. (1) The Environment Act 1995 is amended as follows.
8. (1) The Channel Tunnel Rail Link Act 1996 is amended...
9. (1) The Gas (Northern Ireland) Order 1996 is amended as...
10. (1) The Transport Act 2000 is amended as follows.
11. (1) The Communications Act 2003 is amended as follows.

Explanatory Note