



Competition Act 1980

1980 CHAPTER 21

Control of anti-competitive practices

10 Orders following report on competition reference

- (1) If, in any case where the report of the Commission on a competition reference concludes that any person specified in the report was engaged in an anti-competitive practice which operated or might be expected to operate against the public interest—
 - (a) the Secretary of State has not under section 9(1) above requested the Director to seek to obtain undertakings from one or more of the persons so specified, or
 - (b) following a request under subsection (1) of section 9 above, the Director has informed the Secretary of State that he is satisfied as mentioned in paragraph (a) or paragraph (b) of subsection (3) of that section, or
 - (c) the Director has informed the Secretary of State that an undertaking accepted by him under section 9 above from a person specified in the report has not been or is not being fulfilled,the Secretary of State may, if he thinks fit, make an order under this section.
- (2) Subject to the following provisions of this section, an order under this section may do either or both of the following, that is to say—
 - (a) prohibit a person named in the order from engaging in any anti-competitive practice which was specified in the report or from pursuing any other course of conduct which is similar in form and effect to that practice; and
 - (b) for the purpose of remedying or preventing any adverse effects which are specified in the report as mentioned in section S(2)(d) above, exercise one or more of the powers specified in Part I of Schedule 8 to the Fair Trading Act 1973 to such extent and in such manner as the Secretary of State considers necessary for that purpose.
- (3) No order may be made by virtue of paragraph (a) of subsection (2) above in respect of any person unless he is a person specified in the Commission's report and either—
 - (a) he has not given an undertaking which the Director sought to obtain from him in pursuance of a request under section 9(1) above ; or

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- (b) the Director was not requested under section 9(1) above to seek to obtain an undertaking from him; or
 - (c) the Director has informed the Secretary of State that an undertaking given by him and accepted by the Director under section 9 above has not been or is not being fulfilled.
- (4) In the Fair Trading Act 1973—
- (a) section 90 (general provisions as to orders under section 56 etc.) except subsection (2),
 - (b) section 91(2) (publication of proposals to make an order),
 - (c) section 93 (enforcement of certain orders), and
 - (d) Part I of Schedule 8 (powers exercisable by orders under section 56 etc.),
- shall have effect as if any reference in those provisions to an order under section 56 of that Act included a reference to an order under this section.