

SCHEDULES

SCHEDULE 4

Section 12.

SECTION 12: SECTORAL REGULATORS AND TRANSITION

Sectoral regulators

- 1 The amendments of the Competition Act 1980 made by section 12(1) to (6) above, together with the consequential amendments of that Act made by paragraph 4(2) to (6) of Schedule 11 to this Act, shall have effect, not only in relation to the jurisdiction of the Director General of Fair Trading under the provisions amended, but also in relation to the jurisdiction under those provisions of each of the following—
 - (a) the Director General of Telecommunications,
 - (b) the Director General of Electricity Supply,
 - (c) the Director General of Electricity Supply for Northern Ireland,
 - (d) the Director General of Water Services, and
 - (e) the Rail Regulator.
- 2 In each of the following, namely—
 - (a) section 50(4) of the Telecommunications Act 1984,
 - (b) section 43(4) of the Electricity Act 1989,
 - (c) Article 46(4) of the Electricity (Northern Ireland) Order 1992, and
 - (d) section 67(4) of the Railways Act 1993,(which make provision about the exercise of functions exercised concurrently by the Director General of Fair Trading and the sectoral regulator concerned) for “transferred by”, in each place, there shall be substituted “mentioned in”.
- 3 In each of the following, namely—
 - (a) section 50(6) of the Telecommunications Act 1984,
 - (b) section 43(6) of the Electricity Act 1989, and
 - (c) Article 46(6) of the Electricity (Northern Ireland) Order 1992,(which provide for the Secretary of State or, in Northern Ireland, the Department of Economic Development to determine certain questions in connection with the jurisdictions of the sectoral regulators concerned) for “as to whether” there shall be substituted “in any particular case as to the jurisdiction of the Director under any of the provisions mentioned in” and the words “applies to any particular case” shall be omitted.
- 4 In section 67(8) of the Railways Act 1993 (corresponding provision in relation to the jurisdiction of the Rail Regulator) for “as to whether” there shall be substituted “in any particular case as to the jurisdiction of the Regulator under any of the provisions mentioned in” and the words “applies to any particular case” shall be omitted.

Status: This is the original version (as it was originally enacted).

Transition

- 5 (1) Where, immediately before the relevant day, an investigation under section 3 of the Competition Act 1980 has commenced and is being proceeded with, that Act shall, so far as concerns—
- (a) further proceeding with the investigation,
 - (b) publishing, after completion of the investigation, such a report as is mentioned in subsection (10) of that section, and
 - (c) taking action in consequence of the report,
- have effect as if this Act had not been passed.
- (2) For the purposes of this paragraph, an investigation under section 3 of the Competition Act 1980 shall be taken to have commenced once the authority by whom it is to be carried out has performed the duties which subsection (2) of that section requires him to perform before carrying out the investigation.
- 6 Where, immediately before the relevant day, an investigation has been completed, but no such report as is mentioned in section 3(10) of the Competition Act 1980 has yet been published, that Act shall, so far as concerns—
- (a) publishing such a report, and
 - (b) taking action in consequence of it,
- have effect as if this Act had not been passed.
- 7 Where, immediately before the relevant day, the authority by whom an investigation under section 3 of the Competition Act 1980 has been carried out is considering what action to take in consequence of a report published under subsection (10) of that section, that Act shall, so far as concerns taking action in consequence of the report, have effect as if this Act had not been passed.
- 8 In paragraphs 5 to 7 above, “relevant day” means the day on which section 12 above comes into force.