

SCHEDULES

SCHEDULE 10

REGULATORS

PART IV

UTILITIES: MINOR AND CONSEQUENTIAL AMENDMENTS

The Gas Act 1986 (c. 44)

- 10 (1) The Gas Act 1986 is amended as follows.
- (2) In section 24 (modification references to the Competition Commission), for subsection (7) substitute—
- “(7) The provisions mentioned in subsection (7A) are to apply in relation to references under this section as if—
- (a) the functions of the Competition Commission in relation to those references were functions under the Fair Trading Act 1973;
 - (b) the expression “merger reference” included a reference under this section;
 - (c) in section 70 of the Fair Trading Act 1973—
 - (i) references to the Secretary of State were references to the Director, and
 - (ii) the reference to three months were a reference to six months.
- (7A) The provisions are—
- (a) sections 70 (time limit for report on merger) and 85 (attendance of witnesses and production of documents) of the Fair Trading Act 1973;
 - (b) Part II of Schedule 7 to the Competition Act 1998 (performance of the Competition Commission’s general functions); and
 - (c) section 24 of the Competition Act 1980 (modification of provisions about performance of such functions).”
- (3) In section 25, omit subsection (2) (which falls with the repeal of the Restrictive Trade Practices Act 1976).
- (4) In section 27 (modification by order under other enactments)—
- (a) in subsection (1), omit “or section 10(2)(a) of the Competition Act 1980”;
 - (b) in subsection (3)(a), omit from “or” to “competition reference”;
 - (c) in subsection (6), omit “or the said Act of 1980”.
- (5) In section 28 (orders for securing compliance with certain provisions), in subsection (5), after paragraph (aa), omit “or” and after paragraph (b), insert “or

Status: This is the original version (as it was originally enacted).

- (c) that the most appropriate way of proceeding is under the Competition Act 1998.”
- (6) In section 42(3) (general restrictions on disclosure of information)—
 - (a) omit paragraphs (e) and (f) (which refer to the Restrictive Trade Practices Act 1976 and the Resale Prices Act 1976);
 - (b) after paragraph (n), insert—
 - “(o) the Competition Act 1998”.
- (7) At the end of section 42, insert—
 - “(7) Information obtained by the Director in the exercise of functions which are exercisable concurrently with the Director General of Fair Trading under Part I of the Competition Act 1998 is subject to sections 55 and 56 of that Act (disclosure) and not to subsections (1) to (6) of this section.”