

SCHEDULES

SCHEDULE 10

REGULATORS

PART IV

UTILITIES: MINOR AND CONSEQUENTIAL AMENDMENTS

The Telecommunications Act 1984 (c. 12)

- 9 (1) The Telecommunications Act 1984 is amended as follows.
- (2) In section 13 (licence modification references to Competition Commission), for subsections (9) and (10) substitute—
- “(9) The provisions mentioned in subsection (9A) 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 (in this Act referred to as “the 1973 Act”);
 - (b) the expression “merger reference” included a reference under this section;
 - (c) in section 70 of the 1973 Act—
 - (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.
- (9A) The provisions are—
- (a) sections 70 (time limit for report on merger) and 85 (attendance of witnesses and production of documents) of the 1973 Act;
 - (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).
- (10) For the purposes of references under this section, the Secretary of State is to appoint not less than three members of the Competition Commission.
- (10A) In selecting a group to perform the Commission’s functions in relation to any such reference, the chairman of the Commission must select up to three of the members appointed under subsection (10) to be members of the group.”
- (3) In section 14, omit subsection (2) (which falls with the repeal of the Restrictive Trade Practices Act 1976).

Status: This is the original version (as it was originally enacted).

- (4) In section 16 (securing compliance with licence conditions), in subsection (5), after paragraph (a), omit “or” and after paragraph (b), insert “or
(c) that the most appropriate way of proceeding is under the Competition Act 1998.”
- (5) In section 50 (functions under 1973 and 1980 Acts), after subsection (6), insert—
“(6A) Section 93B of the 1973 Act (offences of supplying false or misleading information) is to have effect so far as relating to functions exercisable by the Director by virtue of—
(a) subsection (2) above and paragraph 1 of Schedule 10 to the Competition Act 1998, or
(b) paragraph 1 of Schedule 2 to the Deregulation and Contracting Out Act 1994,
as if the reference in section 93B(1)(a) to the Director General of Fair Trading included a reference to the Director.”
- (6) In section 95 (modification by orders under other enactments)—
(a) in subsection (1), omit “or section 10(2)(a) of the 1980 Act”;
(b) in subsection (2)—
(i) after paragraph (a), insert “or”;
(ii) omit paragraph (c) and the “or” immediately before it;
(c) in subsection (3), omit “or the 1980 Act”.
- (7) In section 101(3) (general restrictions on disclosure of information)—
(a) omit paragraphs (d) and (e) (which refer to the Restrictive Trade Practices Act 1976 and the Resale Prices Act 1976);
(b) after paragraph (m), insert—
“(n) the Competition Act 1998”.
- (8) At the end of section 101, insert—
“(6) 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 (5) of this section.”