

Status: Point in time view as at 11/01/1999.

Changes to legislation: Competition Act 1998, Part V is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 10

REGULATORS

PART V

MINOR AND CONSEQUENTIAL AMENDMENTS: NORTHERN IRELAND

The Electricity (Northern Ireland) Order 1992

- 17 (1) The ^{M1}Electricity (Northern Ireland) Order 1992 is amended as follows.
- (2) In Article 15 (modification references to Competition Commission), for paragraphs (8) and (9) substitute—
- “(8) The provisions mentioned in paragraph (8A) are to apply in relation to references under this Article as if—
- (a) the functions of the Competition Commission in relation to those references were functions under the 1973 Act;
 - (b) “merger reference” included a reference under this Article;
 - (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.
- (8A) 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 1980 Act (modification of provisions about performance of such functions).
- (9) The Secretary of State may appoint members of the Competition Commission for the purposes of references under this Article.
- (9A) 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 paragraph (9) to be members of the group.”
- (3) In Article 16, omit paragraph (2) (which falls with the repeal of the ^{M2}Restrictive Trade Practices Act 1976).
- (4) In Article 18 (modification by order under other statutory provisions)—
- (a) in paragraph (1), omit sub-paragraph (b) and the “or” immediately before it;

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- (b) in paragraph (2)—
 - (i) after sub-paragraph (a), insert “ or ”;
 - (ii) omit sub-paragraph (c) and the “or” immediately before it;
 - (c) in paragraph (3), omit “or the 1980 Act”.
- (5) In Article 28 (orders for securing compliance), in paragraph (5), after sub-paragraph (b), omit “or” and after sub-paragraph (c), insert “or
- (d) that the most appropriate way of proceeding is under the Competition Act 1998.”
- (6) In Article 46 (functions with respect to competition), after paragraph (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) paragraph (2) and paragraph 1 of Schedule 10 to the Competition Act 1998, or
 - (b) paragraph 5 of Schedule 2 to the ^{M3}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.”
- (7) In Article 61(3) (general restrictions on disclosure of information)—
- (a) omit sub-paragraphs (f) and (g) (which refer to the Restrictive Trade Practices Act 1976 and the ^{M4}Resale Prices Act 1976);
 - (b) after sub-paragraph (t), add—
 - “(u) the Competition Act 1998”.
- (8) At the end of Article 61, 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 paragraphs (1) to (6).”
- (9) In Schedule 12, omit paragraph 16 (which amends the ^{M5}Restrictive Trade Practices Act 1976).

Commencement Information

II Sch. 10 para. 17 partly in force; Sch. 10 para. 17 not in force at Royal Assent see s. 76(3); Sch. 10 para. 17(7)(b) in force at 11.1.1999 by S.I. 1998/3166, art. 2, Sch.; Sch. 10 para. 17(1)(2)(6) in force at 1.4.1999 by S.I. 1999/505, art. 2, Sch. 2; Sch. 10 para. 17(3)-(5)(7)(a)(8) and (9) in force at 1.3.2000 by S.I. 2000/344, art. 2, Sch.

Marginal Citations

M1 S.I. 1992/231 (N.I. 1).
M2 1976 c. 34.
M3 1994 c. 40.
M4 1976 c. 53.
M5 1976 c. 34.

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The Gas (Northern Ireland) Order 1996

- 18 (1) The ^{M6}Gas (Northern Ireland) Order 1996 is amended as follows.
- (2) In Article 15 (modification references to the Competition Commission), for paragraph (9) substitute—
- “(9) The provisions mentioned in paragraph (9A) are to apply in relation to references under this Article as if—
- (a) the functions of the Competition Commission in relation to those references were functions under the 1973 Act;
 - (b) “merger reference” included a reference under this Article;
 - (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 1980 Act (modification of provisions about performance of such functions).”
- (3) In Article 16, omit paragraph (2) (which falls with the repeal of the Restrictive Trade Practices Act 1976).
- (4) In Article 18 (modification by order under other statutory provisions)—
- (a) in paragraph (1), omit sub-paragraph (b) and the “or” immediately before it;
 - (b) in paragraph (3)—
 - (i) after sub-paragraph (a), insert “ or ”;
 - (ii) omit sub-paragraph (c) and the “or” immediately before it;
 - (c) in paragraph (5), omit “or the 1980 Act”.
- (5) In Article 19 (orders for securing compliance), in paragraph (5), after sub-paragraph (b), omit “or” and after sub-paragraph (c), insert “or
- (d) that the most appropriate way of proceeding is under the Competition Act 1998.”
- (6) In Article 44(4) (general restrictions on disclosure of information)—
- (a) omit sub-paragraphs (f) and (g) (which refer to the Restrictive Trade Practices Act 1976 and the ^{M7}Resale Prices Act 1976);
 - (b) after sub-paragraph (u), add—
 - “(v) the Competition Act 1998”.
- (7) At the end of Article 44, insert—
- “(8) 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 paragraphs (1) to (7).”

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Commencement Information

- I2** Sch. 10 para. 18 partly in force; Sch. 10 para. 18 not in force at Royal Assent see s. 76(3); Sch. 10 para. 18(6)(b) in force at 11.1.1999 by S.I. 1998/3166, art. 2, **Sch.**; Sch. 10 para. 18(1)(2) in force at 1.4.1999 by S.I. 1999/505, art. 2, **Sch. 2**; Sch. 10 para. 18(3)-(5)(6)(a) and (7) in force at 1.3.2000 by S.I. 2000/344, art. 2, **Sch.**
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Marginal Citations

- M6** S.I. 1996/275 (N.I. 2).
M7 1976 c. 53.

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