

SCHEDULES

SCHEDULE 4

PROFESSIONAL RULES

PART I

EXCLUSION

General

- 1 (1) To the extent to which an agreement (either on its own or when taken together with another agreement)—
- (a) constitutes a designated professional rule,
 - (b) imposes obligations arising from designated professional rules, or
 - (c) constitutes an agreement to act in accordance with such rules,
- the Chapter I prohibition does not apply to the agreement.
- (2) In this Schedule—
- “designated” means designated by the Secretary of State under paragraph 2;
 - “professional rules” means rules regulating a professional service or the persons providing, or wishing to provide, that service;
 - “professional service” means any of the services described in Part II of this Schedule; and
 - “rules” includes regulations, codes of practice and statements of principle.

Designated rules

- 2 (1) The Secretary of State must establish and maintain a list designating, for the purposes of this Schedule, rules—
- (a) which are notified to him under paragraph 3; and
 - (b) which, in his opinion, are professional rules.
- (2) The list is to be established, and any alteration in the list is to be effected, by an order made by the Secretary of State.
- (3) The designation of any rule is to have effect from such date (which may be earlier than the date on which the order listing it is made) as may be specified in that order.

Application for designation

- 3 (1) Any body regulating a professional service or the persons who provide, or wish to provide, that service may apply to the Secretary of State for rules of that body to be designated.

Status: This is the original version (as it was originally enacted).

- (2) An application under this paragraph must—
- (a) be accompanied by a copy of the rules to which it relates; and
 - (b) be made in the prescribed manner.

Alterations

- 4 (1) A rule does not cease to be a designated professional rule merely because it is altered.
- (2) If such a rule is altered (whether by being modified, revoked or replaced), the body concerned must notify the Secretary of State and the Director of the alteration as soon as is reasonably practicable.

Reviewing the list

- 5 (1) The Secretary of State must send to the Director—
- (a) a copy of any order made under paragraph 2; and
 - (b) a copy of the professional rules to which the order relates.
- (2) The Director must—
- (a) retain any copy of a professional rule which is sent to him under sub-paragraph (1)(b) so long as the rule remains in force;
 - (b) maintain a copy of the list, as altered from time to time; and
 - (c) keep the list under review.
- (3) If the Director considers—
- (a) that, with a view to restricting the exclusion provided by this Schedule, some or all of the rules of a particular body should no longer be designated, or
 - (b) that rules which are not designated should be designated,
- he must advise the Secretary of State accordingly.

Removal from the list

- 6 (1) This paragraph applies if the Secretary of State receives advice under paragraph 5(3) (a).
- (2) If it appears to the Secretary of State that another Minister of the Crown has functions in relation to the professional service concerned, he must consult that Minister.
- (3) If it appears to the Secretary of State, having considered the Director's advice and the advice of any other Minister resulting from consultation under sub-paragraph (2), that the rules in question should no longer be designated, he may by order revoke their designation.
- (4) Revocation of a designation is to have effect from such date as the order revoking it may specify.

Inspection

- 7 (1) Any person may inspect, and take a copy of—
- (a) any entry in the list of designated professional rules as kept by the Director under paragraph 5(2); or
 - (b) any copy of professional rules retained by him under paragraph 5(1).

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

- (2) The right conferred by sub-paragraph (1) is to be exercised only—
- (a) at a time which is reasonable;
 - (b) on payment of such fee as the Director may determine; and
 - (c) at such offices of his as the Director may direct.