



Competition Act 1998

1998 CHAPTER 41

PART I

COMPETITION

CHAPTER V

MISCELLANEOUS

Findings of fact by [F¹OFT]

58 Findings of fact by [F¹OFT].

- (1) Unless the court directs otherwise or the [F¹OFT] has decided to take further action in accordance with section 16(2) or 24(2), [F²OFT's] finding which is relevant to an issue arising in Part I proceedings is binding on the parties if—
- (a) the time for bringing an appeal [F³under section 46 or 47] in respect of the finding has expired and the relevant party has not brought such an appeal; or
 - (b) the decision of [F⁴the Tribunal] on such an appeal has confirmed the finding.
- (2) In this section—
- “[F²OFT's] finding” means a finding of fact made by the [F¹OFT] in the course of—
 - (a) determining an application for a decision under section 14 or 22, or
 - (b) conducting an investigation under section 25;
 - “Part I proceedings” means proceedings—
 - (a) in respect of an alleged infringement of the Chapter I prohibition or of the Chapter II prohibition; but
 - (b) which are brought otherwise than by the [F¹OFT];
 - “relevant party” means—

Status: Point in time view as at 01/04/2003. This version of this provision has been superseded.

Changes to legislation: Competition Act 1998, Section 58 is up to date with all changes known to be in force on or before 27 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)

- (a) in relation to the Chapter I prohibition, a party to the agreement which is alleged to have infringed the prohibition; and
 - (b) in relation to the Chapter II prohibition, the undertaking whose conduct is alleged to have infringed the prohibition.
- (3) Rules of court may make provision in respect of assistance to be given by the [F1OFT] to the court in Part I proceedings.

Textual Amendments

- F1** Word in s. 58 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 25 para. 38(43)(a)**; [S.I. 2003/766](#), art. 2, [Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))
- F2** Words in s. 58 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 25 para. 38(43)(b)**; [S.I. 2003/766](#), art. 2, [Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))
- F3** Words in s. 58(1)(a) inserted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 5 para. 5(a)**; [S.I. 2003/766](#), art. 2, [Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))
- F4** Words in s. 58(1)(b) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 5 para. 5(b)**; [S.I. 2003/766](#), art. 2, [Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))

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