



Competition Act 1998

1998 CHAPTER 41

PART I

COMPETITION

CHAPTER V

MISCELLANEOUS

Findings of fact by [F1 CMA]

58 Findings of fact by [F1 CMA].

- (1) Unless the court [F2 or the Tribunal] directs otherwise [F3 or the [F4 OFT] has decided to take further action in accordance with section 16(2) or 24(2)], [F5 CMA'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 [F6 under 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 [F7 the Tribunal] on such an appeal has confirmed the finding.

- (2) In this section—

[F8“[F9 a CMA's] finding” means a finding of fact made by the [F10 CMA] in the course of conducting an investigation;]

[F11“Part 1 proceedings” means proceedings brought otherwise than by the [F10 CMA]—

(za) [F12 in respect of an infringement decision;][F13 or]

(a) in respect of an alleged infringement of the Chapter I prohibition or of the Chapter II prohibition; F14 ...

(b) F14 ...]

“relevant party” means—

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- (a) in relation to the Chapter I prohibition ^{F15}..., a party to the agreement which [^{F16}has been found to have infringed the prohibition or is alleged to have infringed the prohibition (as the case may be)]; and
- (b) in relation to the Chapter II prohibition ^{F17}..., the undertaking whose conduct [^{F16}has been found to have infringed the prohibition or is alleged to have infringed the prohibition (as the case may be)].
- (3) Rules of court [^{F18} or Tribunal rules] may make provision in respect of assistance to be given by the [^{F19}CMA] to the court [^{F20} or the Tribunal] in Part I proceedings.
- [^{F21}(4) In this section “the court” means—
- (a) in England and Wales or Northern Ireland, the High Court,
- (b) in Scotland, the Court of Session or the sheriff.]

Textual Amendments

- F1** Word in s. 58 heading substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 36(5)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in s. 58(1) inserted (1.10.2015) by Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 8 para. 13(2)**; S.I. 2015/1630, art. 3(j)
- F3** Words in s. 58(1) cease to have effect (1.5.2004) by The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004 (S.I. 2004/1261), reg. 1(a), **Sch. 1 para. 34(2)** (with reg. 6(2))
- F4** 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.)
- F5** Words in s. 58(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 36(2)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** 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.)
- F7** 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.)
- F8** Words in s. 58(2) substituted (1.5.2004) by The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004 (S.I. 2004/1261), reg. 1(a), **Sch. 1 para. 34(3)(a)**
- F9** Words in s. 58(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 36(3)(a)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F10** Word in s. 58(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 36(3)(b)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F11** Words in s. 58(2) substituted (1.5.2004) by The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004 (S.I. 2004/1261), reg. 1(a), **Sch. 1 para. 34(3)(b)**
- F12** Words in s. 58(2) inserted (1.10.2015) by Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 8 para. 13(3)(a)**; S.I. 2015/1630, art. 3(j)
- F13** Word in s. 58(2) inserted (31.12.2020) by The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **19(2)(a)** (with Sch. 4 paras. 7, 13) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in s. 58(2) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **19(2)(b)** (with Sch. 4 paras. 7, 13) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in s. 58(2) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **19(3)(a)** (with Sch. 4 paras. 7, 13) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in s. 58(2) substituted (1.10.2015) by Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 8 para. 13(3)(b)**; S.I. 2015/1630, art. 3(j)

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- F17** Words in s. 58(2) omitted (31.12.2020) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/93\)](#), regs. 1(1), **19(3)(b)** (with Sch. 4 paras. 7, 13) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in s. 58(3) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 8 para. 13(4)(a)**; S.I. 2015/1630, art. 3(j)
- F19** Word in s. 58(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 5 para. 36(4)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F20** Words in s. 58(3) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 8 para. 13(4)(b)**; S.I. 2015/1630, art. 3(j)
- F21** S. 58(4) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 8 para. 13(5)**; S.I. 2015/1630, art. 3(j)

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