



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 2

#### THE COMPETITION APPEAL TRIBUNAL

##### *Other amendments of 1998 Act*

## **20 Findings of infringements**

(1) After section 58 of the 1998 Act there is inserted—

### *“Findings of infringements*

#### **58A Findings of infringements**

- (1) This section applies to proceedings before the court in which damages or any other sum of money is claimed in respect of an infringement of—
  - (a) the Chapter I prohibition;
  - (b) the Chapter II prohibition;
  - (c) the prohibition in Article 81(1) of the Treaty;
  - (d) the prohibition in Article 82 of the Treaty.
- (2) In such proceedings, the court is bound by a decision mentioned in subsection (3) once any period specified in subsection (4) which relates to the decision has elapsed.
- (3) The decisions are—
  - (a) a decision of the OFT that the Chapter I prohibition or the Chapter II prohibition has been infringed;
  - (b) a decision of the OFT that the prohibition in Article 81(1) or Article 82 of the Treaty has been infringed;

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 20. (See end of Document for details)*

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- (c) a decision of the Tribunal (on an appeal from a decision of the OFT) that the Chapter I prohibition or the Chapter II prohibition has been infringed, or that the prohibition in Article 81(1) or Article 82 of the Treaty has been infringed.
- (4) The periods mentioned in subsection (2) are—
- (a) in the case of a decision of the OFT, the period during which an appeal may be made to the Tribunal under section 46 or 47 or the EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001 (S.I. 2001/2916);
  - (b) in the case of a decision of the Tribunal mentioned in subsection (3) (c), the period during which a further appeal may be made under section 49 or under those Regulations;
  - (c) in the case of any decision which is the subject of a further appeal, the period during which an appeal may be made to the House of Lords from a decision on the further appeal;
- and, where any appeal mentioned in paragraph (a), (b) or (c) is made, the period specified in that paragraph includes the period before the appeal is determined.”
- (2) Section 58A does not apply in relation to decisions made before the commencement of this section.
- (3) In section 59(1) of that Act (interpretation), in the definition of “the court”, after “58” there is inserted “, 58A ”.

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise Act 2002, Section 20.