

## SCHEDULES

### SCHEDULE 10

#### REFERENCES BY MONITOR TO THE COMPETITION COMMISSION

##### *Competition Commission's power to veto changes*

- 8 (1) The Competition Commission may, within the period of four weeks beginning with the day on which it is sent a notice under paragraph 7(8), direct Monitor—
- (a) not to make the changes set out in the notice, or
  - (b) not make such of the changes as may be specified in the direction.
- (2) Monitor must comply with a direction under sub-paragraph (1).
- (3) The Secretary of State may, within that period and on the application of the Commission, direct that the period for giving a direction under sub-paragraph (1) (and, accordingly, the period referred to in paragraph 7(10)) is to be extended by 14 days.
- (4) The Commission may give a direction under sub-paragraph (1) only in respect of such of the changes specified in the notice under paragraph 7(8)(a) as it considers are not necessary for the purpose of remedying or preventing one or more of the adverse effects specified in the report as effects which could be remedied or prevented by changes.
- (5) If the Commission gives a direction under sub-paragraph (1), it—
- (a) must give notice specifying the changes proposed by Monitor, the terms of the direction and the reasons for giving it, and
  - (b) must itself make such changes to the matters specified in the reference as it considers necessary for the purpose of remedying or preventing the effects referred to in sub-paragraph (6).
- (6) The effects mentioned in sub-paragraph (5)(b) are—
- (a) in the case of a direction under sub-paragraph (1)(a), the adverse effects specified in the report as effects which could be remedied or prevented by changes, or
  - (b) in the case of a direction under sub-paragraph (1)(b), such of those adverse effects as are not remedied or prevented by the changes made by Monitor under paragraph 7(11).
- (7) In exercising its function under sub-paragraph (5)(b), the Commission must have regard to the matters to which Monitor must have regard when determining the matters specified in the reference.
- (8) Before making changes under sub-paragraph (5)(b), the Commission must send a notice—
- (a) stating that it proposes to make the changes and specifying them,
  - (b) stating the reason why it proposes to make them, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) specifying the period within which representations on the proposed changes may be made.
- (9) The period specified for the purposes of sub-paragraph (8)(c) must not be less than 28 days beginning with the date on which the notice is published.
- (10) The Commission must send a notice under sub-paragraph (8) to the relevant persons.
- (11) The Commission must also publish the notice.
- (12) After making changes under this paragraph, the Commission must publish a notice—
  - (a) stating that it has made the changes and specifying them, and
  - (b) stating the reason why it has made them.