
STATUTORY INSTRUMENTS

1980 No. 497 (C.20)

COMPETITION

The Competition Act 1980 (Commencement No. 1) Order 1980

Made - - - - 3rd April 1980

The Secretary of State, in exercise of the powers conferred upon him by section 33(5) and (6) of the Competition Act 1980 and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Competition Act 1980 (Commencement No. 1) Order 1980.
2. In this Order, “the Act” means the Competition Act 1980.
3. Subject to Article 4 below, the provisions of the Act specified in Schedule 1 to this Order shall come into operation—
 - (a) as regards those provisions specified in column 1 of Part I of that Schedule, on the day after the making of this Order;
 - (b) as regards those provisions specified in column 1 of Part II of that Schedule, on 1st May 1980;
 - (c) as regards those provisions specified in column 1 of Part III of that Schedule, on 1st January 2011;

for the purposes specified in relation to the provisions in question in column 3 of that Schedule.

4. The savings with respect to the operation of Schedule 2 to the Act (Repeals) specified in Schedule 2 to this Order shall have effect.

3rd April 1980

Sally Oppenheim
Minister of State
Department of Trade

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SCHEDULE 1

(Article 3)

Part I

<i>Column 1 Provisions of the Act</i>	<i>Column 2 Subject matter</i>	<i>Column 3 Purposes</i>
Section 1	Abolition of Price Commission	All purposes
Section 11(1) to (3) and (6) to (11) (except paragraph (b) of subsection (3) and paragraph (f) so far as relating to paragraph (b))	References of public bodies and certain other persons to the Monopolies and Mergers Commission	All purposes
Section 15(2) and (5) (except paragraphs (a) and (b) of subsection (2))	Agricultural schemes: special provisions	Purposes of section 11 of the Act
Section 16	Reports	Purposes of reports under section 11 of the Act
Section 17(1) to (5)	Laying before Parliament and publication of reports	Purposes of reports under section 11 of the Act
Section 19	Restriction on disclosure of information	All purposes
Section 23	Amendment of section 137(3) of Fair Trading Act 1973	All purposes
Section 31(1)	Orders and regulations	All purposes
Section 32	Financial provisions	All purposes
Section 33(1) and (2) and (5) to (8)	Short title, interpretation, commencement and extent	All purposes
Section 33(4) (except so far as it relates to the provisions referred to in Part III of this Schedule)	Repeals	All purposes
Schedule 1	Dissolution of Price Commission	All purposes
Schedule 2 (except so far as it relates to the provisions referred to in Part III of this Schedule)	Repeals	All purposes

Part II

<i>Column 1 Provisions of the Act</i>	<i>Column 2 Subject matter</i>	<i>Column 3 Purposes</i>
Section 3(7) and (8)	Powers to require production of documents and information	Purposes of investigations under section 13
Section 12	Orders following report under section 11 of the Act	All purposes
Section 13	Investigations of prices directed by Secretary of State	All purposes
Section 14	Applications by Crown concerning patents	All purposes
Section 15(1)	Agricultural schemes: special provisions	All purposes
Section 16	General provisions as to reports	Purposes of reports under section 13 of the Act
Section 17(1) and (3) to (5)	Laying before Parliament and publication of reports	Purposes of reports under section 13 of the Act
Section 17(6)	Laying before Parliament and publication of reports	Purposes of reports under section 12 of the Act
Section 18	Information and advice about operation of Act	All purposes
Section 20	Power to make grants to certain bodies	All purposes
Section 21	Monopoly references by Secretary of State alone	All purposes
Section 22	Disclosure of reports on monopoly references to persons named	All purposes
Section 24	Modification of provisions about performance of Monopolies and Mergers Commission's functions	All purposes
Section 25	Suspension of declarations under section 1(3) of Restrictive Trade Practices Act 1976 pending appeals.	All purposes
Section 26	Suspension of declarations under section 1(3) of Restrictive Trade Practices Act 1976 pending revision of agreements	All purposes
Section 27	Recommendations by services supply associations	All purposes

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<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purposes</i>
Section 28	Amendments to section 19 of Restrictive Trade Practices Act 1976	All purposes
Section 29	Exemption of certain undertakings from Restrictive Trade Practices Acts	All purposes
Section 30	Exemption of copyright agreements from Restrictive Trade Practices Acts	All purposes
Section 31(3)	Regulations and orders	Purposes of section 12 of the Act
Section 31(4)	Orders under section 24(1) of the Act	All purposes
Section 33(3)	Interpretation	All purposes

Part III

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purposes</i>
Section 33(4) and Schedule 2 so far as they relate to the following provisions of the Counter-Inflation Act 1973— section 17(6), (8) and (9) section 18(4) and (5) section 19 section 20(4), 5(i) and (iii), and (7) section 23(2) Paragraph 4 of Schedule 4 (except sub-paragraph (2)(b)), and section 15(4) of, and paragraph 4(b) and (d) of Schedule 2 to the Price Commission Act 1977.	Repeals	All purposes

SCHEDULE 2

(Article 4)

SAVINGS

Nothing in Schedule 2 to the Act shall apply—

- (a) to or in relation to the Price Commission during the winding-up period (within the meaning of section 1(2) of the Act);
- (b) to or in relation to the Secretary of State in the exercise of his functions under section 1(3)(b) of the Act;
- (c) to any power or duty of the Secretary of State or the Minister for the Civil Service relating to remuneration, compensation, allowances, pensions or gratuities which are or may be payable to or in respect of persons who on or before the expiry of the winding-up period are or were members of the Price Commission or engaged in its business;
- (d) in relation to any restriction imposed by any order or notice under section 6 of the Counter-Inflation Act 1973 to which section 21(5) of the Price Commission Act 1977 applies;
- (e) in relation to provisions of any order made under section 11 of the Counter-Inflation Act 1973 to which paragraph 10 of Schedule 2 to the Price Commission Act 1977 applies;
- (f) to the power of the Secretary of State to make grants under section 18 of the Price Commission Act 1977 in respect of expenditure incurred by any person before 31st March 1980.

EXPLANATORY NOTE

This Order brings into operation certain provisions of the Competition Act 1980.

The provisions relating to the abolition of the Price Commission (section 1 and Schedule 1 and— with certain exceptions mentioned below—Schedule 2) and those relating to the reference of public bodies and certain other persons to the Monopolies and Mergers Commission (section 11 and the other provisions specified in Part I of Schedule 1 to the Order) come into operation on 4th April 1980.

The provisions (specified in Part II of that Schedule) relating to orders following reports of the Monopolies and Mergers Commission on references under section 11, those relating to the investigation of prices, to patents and to agricultural schemes and provisions connected with all those matters, and the provisions amending the Fair Trading Act 1973 and the Restrictive Trade Practices Act 1976, come into operation on 1st May 1980.

Part III of Schedule 1 to the Order specifies certain provisions of the enactments (subject to repeal by Schedule 2 to the 1980 Act) which relate to restrictions on the disclosure of information obtained by the Price Commission (in particular, paragraph 4 of Schedule 4 to the Counter-Inflation Act 1973). By virtue of the 1980 Act documents containing the information in question become public records and fall to be treated in accordance with the Public Records Acts. While it is expedient to maintain the restrictions on disclosure mentioned above this must not be longer than necessary to enable the information to be disclosed to the public after the normal thirty-year period under those Acts. The Order provides accordingly that the repeal of the specified provisions will not come into operation until 1st January 2011.

Schedule 2 to the Order provides (in pursuance of section 33(6) of the 1980 Act) for certain savings with respect to the repeals made by the Act.