

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st March 2000 certain provisions of the Competition Act 1998.

The Order brings into force section 1(b) to (d) which repeal the Restrictive Trade Practices Act 1976, the Resale Prices Act 1976 and the Restrictive Trade Practices Act 1977 and section 17 which repeals sections 2 to 10 of the Competition Act 1980 which provides for the control of anti-competitive practices.

The Order brings into force the Chapter I prohibition on anti-competitive agreements (section 2) and the Chapter II prohibition on abuse of a dominant position (section 18). It brings into force section 3 and Schedule 2 (so far as not already in force) which make provision in respect of exclusions from the prohibitions and sections 4 to 11 which make provision in respect of exemptions from the Chapter I prohibition. It brings into force sections 12 (so far as not already in force), 13 to 16 and 20 to 24 and Schedules 5 and 6 (except paragraph 7 in each Schedule) which enable guidance and decisions about the application of the prohibitions to be obtained from the Director General of Fair Trading (“the Director”) and provide for the procedure to be followed and the effect of guidance and decisions.

The Order brings into force sections 25 to 31 which make provision in respect of investigations by the Director of suspected breaches of the prohibitions, and sections 32 to 35 which provide powers for him to direct undertakings to terminate infringements (and to impose interim measures). The Order brings into force section 36 which empowers the Director to impose penalties for infringing the prohibitions, section 37 which provides for the recovery of penalties by the Director, and (so far as not already in force) section 38 which requires the Director to publish guidance as to the appropriate amount of any penalty. The Order brings into force sections 39 and 40 which enable the Secretary of State by regulations to confer limited immunity on small agreements and conduct of minor significance, and section 41 which provides for provisional immunity where an agreement has been notified to the European Commission.

The Order brings into force sections 42 to 44 which make offences of the failure to comply with the investigation powers, and of the provision to the Director of false information.

The Order brings into force sections 46, 47, 49 (so far as not already in force) and Schedule 8 (so far as not already in force) which provide for appeals from decisions of the Director.

The Order brings into force section 54 and Schedule 10 (so far as not already in force) which provide for concurrent exercise by the regulators of functions under Part I of the Act and for minor and consequential amendments to the regulatory Acts and Orders.

The Order brings into force section 55 (so far as not already in force), 56 and Schedule 11 which provide for confidentiality of information obtained under Part I of the Act.

The Order brings into force section 58 which provides for findings of fact by the Director to be admissible in civil proceedings.

The Order brings into force sections 61 to 65 which provide powers for the Director General of Fair Trading to assist the European Commission in conducting investigations into suspected breaches of EC Competition law, for the Director to conduct investigations on their behalf, and offences in connection with obstruction of such investigations.

The Order brings into force section 70 which repeals sections 44 and 45 of the Patents Act 1977.

The Order brings into force section 72, which provides for offences committed by bodies corporate, section 73 which provides for Crown application and section 74 and (so far as not already in force),

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Schedules 12, 13 and 14 which contain consequential amendments, transitional provisions and savings, and repeals (with the exception of the repeal of the Restrictive Practices Courts Act 1976).