
STATUTORY INSTRUMENTS

2004 No. 1077

The Competition Act 1998 (Concurrency) Regulations 2004

Transfer

7.—(1) Subject to paragraphs (2) and (4), a competent person who has exercised any Part 1 functions in relation to a case (“the transferor”) may agree with another competent person who has concurrent jurisdiction to exercise Part 1 functions in relation to that case (“the transferee”) to transfer the case to the transferee.

(2) Subject to paragraph (4), if the transferor and the transferee propose to agree a transfer in accordance with paragraph (1), the transferor shall notify in writing the undertaking which is the subject of the exercise of Part 1 functions in that case of the proposed transfer and shall invite the recipient of the notice to make written representations upon the proposal within seven working days of the date of that notice.

(3) Subject to paragraph (4), if a transfer is agreed in accordance with paragraph (1), the transferor shall inform the undertaking which is the subject of the exercise of Part 1 functions in that case in writing that the transferee is to exercise jurisdiction in relation to the case from the date of the transfer and of the reasons for this transfer.

(4) The transferor shall not be under any obligation to notify an undertaking in accordance with paragraph (2) or to inform an undertaking in accordance with paragraph (3) if—

- (a) the transfer takes place before agreement has been reached in accordance with regulation 4(2) or a determination has been made in accordance with regulation 5(3)(a) as to which competent person is to exercise prescribed functions in relation to a case; or
- (b) the transferor has not informed that undertaking that he has exercised Part 1 functions in relation to the case.