
STATUTORY INSTRUMENTS

2006 No. 605

COMPETITION

**The Competition Act 1998 (Public
Policy Exclusion) Order 2006**

<i>Made</i>	- - - -	<i>6th March 2006</i>
<i>Laid before Parliament</i>		<i>9th March 2006</i>
<i>Coming into force</i>	- -	<i>3rd April 2006</i>

The Secretary of State is satisfied that there are exceptional and compelling reasons of public policy why agreements of the description specified in this Order should be excluded from the prohibition contained in Chapter I of the Competition Act 1998⁽¹⁾. In exercise of the powers conferred by paragraphs 7(1) and (2) of Schedule 3 to the Competition Act 1998, the Secretary of State makes the following Order:

Citation and commencement

1. This Order may be cited as the Competition Act 1998 (Public Policy Exclusion) Order 2006 and shall come into force on 3rd April 2006.

Interpretation

2. In this Order “surface warship” means aircraft carrier, amphibious ship, destroyer, frigate or mine warfare vessel of the Royal Navy.

Exclusion from the Chapter I Prohibition

3. An agreement relating to the maintenance and repair of surface warships is excluded from the Chapter I Prohibition where—

- (a) its purpose is to enable the parties to the agreement to provide or receive maintenance and repair services for surface warships; and
- (b) it does not have as its object or effect the prevention, restriction or distortion of competition within the United Kingdom except in relation to the market for maintenance and repair of surface warships.

(1) 1998.c 41.

Status: *This is the original version (as it was originally made).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

6th March 2006

Gerry Sutcliffe
Parliamentary Under Secretary of State for
Employment Relations and Consumer Affairs
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Order)

Agreements between undertakings, decisions by associations of undertakings or concerted practices which may affect trade within the United Kingdom, and have as their object or effect the prevention, restriction or distortion of competition within the United Kingdom (“agreements”) are prohibited by Chapter I of the Competition Act 1998. Where there are exceptional and compelling reasons of public policy to do so, the Secretary of State may exclude agreements or descriptions of agreements from that prohibition.

This Order excludes any agreement where the purpose of the agreement is to enable the parties to provide or receive maintenance and repair services for surface warships and the agreement does not have as its object or effect the prevention, restriction or distortion of competition within the United Kingdom except in relation to the market for maintenance and repair of surface warships.

A full regulatory impact assessment of the effect that this Order will have on the costs of business has been prepared by the Ministry of Defence and is available from the Defence Logistics Agency, Ministry of Defence, Abbey Wood, Bristol, BS34 8JH and can also be found at <http://www.mod.uk/DefenceInternet/AboutDefence/CorporatePublications/PolicyStrategy/SurfaceWarshipSupportRegulatoryImpactAssessmentria.htm>