

## SCHEDULES

### SCHEDULE 3

#### THE MONOPOLIES AND MERGERS COMMISSION

#### PART II

##### PERFORMANCE OF FUNCTIONS OF COMMISSION

- 10 (1) If the chairman of the Commission so directs—
- (a) the functions of the Commission in relation to any investigation under this Act, in so far as those functions have not been performed before the direction is given, or
  - (b) the functions of the Commission in relation to the making of a report required of them under Part VI of this Act,
- shall be performed through a group of not less than five regular members of the Commission selected by the chairman of the Commission.
- (2) In the following provisions of this Part of this Schedule " group " means a group of members of the Commission selected under this paragraph, and " the chairman " (except where the reference is expressly to the chairman of a group) means the chairman of the Commission.
- 11 Where, after a direction under paragraph 10 of this Schedule has been given with respect to the investigations on a monopoly reference or on a merger reference, the reference is varied under section 52 of this Act or, in the case of a merger reference, under section 71 of this Act, the functions of the Commission in relation to those investigations shall be performed either through the group specified in that direction, or through another group, or by the Commission as a whole, as the chairman may direct.
- 12 The chairman may appoint one of the members of a group to act as chairman of the group.
- 13 (1) Where during the proceedings of a group—
- (a) a member of the group ceases to be a member of the Commission, or
  - (b) the chairman is satisfied that a member of the group will be unable for a substantial period to perform his duties as a member of the group,
- the chairman may appoint any member of the Commission to be a member of the group in his place.
- (2) The chairman may also at any time appoint any member of the Commission to be an additional member of a group, whether the person so appointed was or was not a member of the Commission at the time when the group was originally selected.
- 14 (1) At the invitation of the chairman of a group, any member of the Commission who is not a member of the group may attend meetings or otherwise take part in the proceedings of the group, except that such a member shall not be entitled—

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- (a) to vote at any such meeting or in any such proceedings, or
  - (b) to have a statement of his dissent from a conclusion of the group included in a report made by them,
- (2) Nothing in the receding sub-paragraph shall be taken to prevent a group or a member of a group from consulting any member of the Commission with respect to any matter or question with which the group is concerned.
- 15 In determining their procedure, and in exercising any powers conferred on the Commission by this Act, a group shall comply with any special or general directions which may be given to them by the Commission, as well as with any directions given to the Commission by the Secretary of State.
- 16 (1) Subject to the next following sub-paragraph, anything done by or in relation to a group in, or in connection with, the performance of functions required by a direction under paragraph 10 or paragraph 11 of this Schedule to be performed by the group shall have the same effect as if it had been done by or in relation to the Commission,
- (2) For the purposes of sections 56 and 75 of this Act, of section 40 of the Patents Act 1949 (which confers on the comptroller certain powers which are exercisable with reference to a report of the Commission) and of section 19A of the Agricultural Marketing Act 1958, a conclusion contained in a report of the Commission shall be disregarded if the report is made through a group and the conclusion is not that of at least two-thirds of the members of the group.
- 17 The quorum necessary—
- (a) for any meeting of the Commission held for the final settling of a report of the Commission shall be not less than two-thirds of the regular members of the Commission, and
  - (b) for any other meeting of the Commission shall be such as the Commission may from time to time determine.
- 18 The quorum necessary for a meeting of a group shall be such as the group may from time to time determine.
- 19 In the case of an equality of votes on any question at a meeting of the Commission or of a group the chairman, or the chairman of the group, as the case may be, shall have a second or casting vote.
- 20 At any time when the chairman is absent or otherwise incapable of acting, or there is a vacancy in the office of chairman,—
- (a) such one of the deputy chairmen of the Commission as the Secretary of State may direct, or in default of any such direction such one of them as they may agree, or
  - (b) if there is only one deputy chairman of the Commission the deputy chairman,
- may perform any of the functions of the chairman.
- 21 At any time when every person who is chairman or deputy chairman of the Commission is absent or otherwise incapable of acting, or there is no such person, such member of the Commission as the Secretary of State may direct, or in default of any such direction such member of the Commission as the Commission may agree, may perform any of the functions of the chairman.
- 22 For the purposes of a newspaper merger reference the Secretary of State may appoint three, four, or five additional members of the Commission, from a panel

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maintained by the Secretary of State for the purpose of making such appointments ;  
and if any functions of the Commission in relation to that reference are performed  
through a group, any additional members appointed under this paragraph for the  
purposes of the reference shall be members of the group in addition to the members  
selected by the chairman.