



Competition Act 1980

1980 CHAPTER 21

General provisions about references and investigations

16 General provisions as to reports

- (1) In making any report under this Act the Commission or the Director shall have regard to the need for excluding, so far as that is practicable—
 - (a) any matter which relates to the private affairs of an individual, where the publication of that matter would or might, in the opinion of the Commission or the Director, as the case may be, seriously and prejudicially affect the interests of that individual, and
 - (b) any matter which relates specifically to the affairs of a body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Commission or the Director, as the case may be, seriously and prejudicially affect the interests of that body, unless in the opinion of the Commission or the Director, as the case may be, the inclusion of that matter relating specifically to that body is necessary for the purposes of the report.
- (2) For the purposes of the law relating to defamation, absolute privilege shall attach to any report of the Commission or of the Director under this Act.

17 Laying before Parliament and publication of reports

- (1) Subject to subsection (2) below, the Secretary of State shall lay a copy of any report made to him under section 8(1), 11(10) or 13(5) above before each House of Parliament and shall arrange for the report to be published in such manner as appears to him appropriate.
- (2) The Secretary of State shall not lay a copy of a report made to him under section 8(1) or 11(10) above before either House of Parliament unless at least twenty-four hours before doing so he has transmitted to every person specified in the reference a copy of the report in the form in which it is laid (or by virtue of subsection (3) below is treated as being laid) before each House of Parliament.

- (3) If a report made to him under section 8(1), 11(10) or 13(5) above is presented by command of Her Majesty to either House of Parliament otherwise than at or during the time of a sitting of that House, the presentation of the report shall for the purposes of this section be treated as the laying of a copy of it before that House by the Secretary of State.
- (4) If it appears to the Secretary of State that the publication of any matter in a report made to him under section 8(1), 11(10) or 13(5) above would be against the public interest, he shall exclude that matter from the copies of the report as laid before Parliament and from the report as published under this section.
- (5) Without prejudice to subsection (4) above, if the Secretary of State considers that it would not be in the public interest to disclose—
- (a) any matter contained in a report made to him under section 8(1), 11(10) or 13(5) above relating to the private affairs of an individual whose interests would, in the opinion of the Secretary of State, be seriously and prejudicially affected by the publication of that matter, or
 - (b) any matter contained in such a report relating specifically to the affairs of a particular person whose interests would, in the opinion of the Secretary of State, be seriously and prejudicially affected by the publication of that matter,
- the Secretary of State shall exclude that matter from the copies of the report as laid before Parliament and from the report as published by virtue of subsection (1) above.
- (6) Any reference in sections 9, 10 or 12 above to a report of the Commission shall be construed as a reference to the report in the form in which copies of it are laid (or by virtue of subsection (3) of this section are treated as having been laid) before each House of Parliament under this section.

18 Information and advice about operation of Act

The Director shall arrange for the dissemination in such form and manner as he considers appropriate of such information and advice as it may appear to him expedient to give the public in the United Kingdom about the operation of this Act.

19 Restriction on disclosure of information

- (1) Subject to subsection (2) below, no information obtained under or by virtue of the preceding provisions of this Act about any business shall, so long as the business continues to be carried on, be disclosed without the consent of the person for the time being carrying it on.
- (2) Subsection (1) above does not apply to any disclosure of information made—
- (a) for the purpose of facilitating the performance of any functions under this Act or any of the enactments specified in subsection (3) below of any Minister, any Northern Ireland department, the head of any such department, the Director, the Commission or a local weights and measures authority in Great Britain; or
 - (b) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings ; or
 - (c) for the purposes of any civil proceedings brought under or by virtue of this Act or any of the enactments specified in subsection (3) below ; or
 - (d) in pursuance of a Community obligation.

- (3) The enactments referred to in subsection (2) above are—
- (a) the Trade Descriptions Act 1968 ;
 - (b) the Fair Trading Act 1973 ;
 - (c) the Consumer Credit Act 1974 ;
 - (d) the Restrictive Trade Practices Act 1976 ;
 - (e) the Resale Prices Act 1976 ; and
 - (f) the Estate Agents Act 1979.
- (4) For the purpose of enabling information obtained under certain other enactments to be used for facilitating the performance of functions under this Act, the following amendments shall be made in provisions respecting disclosure of information, namely—
- (a) at the end of paragraph (aa) of the proviso to section 47(2) of the Agricultural Marketing Act 1958 there shall be added the words " or the Competition Act 1980 ";
 - (b) at the end of paragraph (aaa) of section 23(2) of the Agricultural Marketing Act (Northern Ireland) 1964 there shall be added the words " or the Competition Act 1980 ";
 - (c) at the end of paragraph (a) of subsection (2) of section 133 of the Fair Trading Act 1973 there shall be added the words " the Competition Act 1980, or ";
 - (d) in paragraph (d) of subsection (3) of section 174 of the Consumer Credit Act 1974 after the words "Estate Agents Act 1979 " there shall be added the words " or the Competition Act 1980 ";
 - (e) at the end of paragraph (a) of subsection (1) of section 41 of the Restrictive Trade Practices Act 1976 there shall be added the words " or the Competition Act 1980 ";
 - (f) in paragraph (a) of subsection (3) of section 10 of the Estate Agents Act 1979 after the words " Restrictive Trade Practices Act 1976" there shall be added the words " or the Competition Act 1980 ".
- (5) Nothing in subsection (1) above shall be construed—
- (a) as limiting the matters which may be included in any report of the Director or of the Commission made under this Act; or
 - (b) as applying to any information which has been made public as part of such a report or as part of the register kept for the purposes of the Act of 1976.
- (6) Any person who discloses information in contravention of this section shall be liable on summary conviction to a fine not exceeding the statutory maximum and, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or both.
- (7) In subsection (6) above " the statutory maximum", in relation to a fine on summary conviction, means—
- (a) in England and Wales and Northern Ireland, the prescribed sum within the meaning of section 28 of the Criminal Law Act 1977 (at the passing of this Act £1,000); and
 - (b) in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (at the passing of this Act £1,000);
- and for the purposes of the application of this definition in Northern Ireland, the provisions of the Criminal Law Act 1977 which relate to the sum mentioned in paragraph (a) above shall extend to Northern Ireland.