



Competition Act 1980

1980 CHAPTER 21

Control of anti-competitive practices

7 Supplementary provisions as to competition references

- (1) On making a competition reference or on varying such a reference under section 6(6) above the Director shall send a copy of the reference or, as the case may be, the variation to the Secretary of State.
- (2) If, before the end of the period of two weeks beginning with the day on which the Secretary of State receives a copy of a competition reference under subsection (1) above, the Secretary of State directs the Commission not to proceed with the reference—
 - (a) the Commission shall not proceed with that reference, but
 - (b) nothing in paragraph (a) above shall prevent the Commission from proceeding with a subsequent competition reference, notwithstanding that it relates wholly or partly to the same matters.
- (3) If, before the end of the period of two weeks beginning with the day on which the Secretary of State receives a copy of a variation of a competition reference under subsection (1) above, the Secretary of State directs the Commission not to give effect to the variation—
 - (a) the Commission shall proceed with the reference as if that variation had not been made, but
 - (b) nothing in paragraph (a) above shall prevent the Commission from giving effect to any subsequent variation, notwithstanding that it relates wholly or partly to the matters to which that variation related.
- (4) On making a competition reference or on varying such a reference under section 6(6) above the Director shall arrange for the reference or, as the case may be, the variation to be published in such manner as he considers most suitable for bringing it to the attention of persons who, in his opinion, would be affected by it or be likely to have an interest in it.

Status: This is the original version (as it was originally enacted).

- (5) Where the Secretary of State gives a direction under subsection (2) or subsection (3) above, the Secretary of State shall arrange for the direction to be published in such manner as he considers most suitable for bringing it to the attention of persons who, in his opinion, would have been affected by, or likely to have had an interest in, the reference or variation to which the direction relates.
- (6) Sections 70 (time limit for report on merger reference), 84 (public interest) and 85 (attendance of witnesses and production of documents) of the Fair Trading Act 1973 and Part II of Schedule 3 to that Act (performance of functions of Commission) shall apply in relation to competition references as if—
- (a) the functions of the Commission in relation to those references were functions under that Act;
 - (b) the expression "merger reference" included a competition reference;
 - (c) in paragraph 11 of that Schedule the reference to section 71 of that Act were a reference to section 6(6) above; and
 - (d) in paragraph 16(2) of that Schedule the reference to section 56 of that Act were a reference to sections 9 and 10 below.