
Changes to legislation: Gas Act 1995, Cross Heading: Functions with respect to competition is up to date with all changes known to be in force on or before 24 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

OTHER AMENDMENTS OF PART I OF 1986 ACT

Functions with respect to competition

43 After section 36 of the 1986 Act there shall be inserted the following section—

“36A Functions with respect to competition.

- (1) If and to the extent that he is requested by the Director General of Fair Trading to do so, it shall be the duty of the Director to exercise the functions of that Director under Part III of the ^{M1}Fair Trading Act 1973 (“the 1973 Act”) so far as relating to courses of conduct which are or may be detrimental to the interests of consumers of gas conveyed through pipes, whether those interests are economic or interests in respect of health, safety or other matters; and references in that Part to that Director shall be construed accordingly.
- (2) There are hereby transferred to the Director (so as to be exercisable concurrently with the Director General of Fair Trading)—
 - (a) the functions of that Director under sections 44 and 45 of the 1973 Act;
 - (b) the functions of that Director under sections 50, 52, 53, 86 and 88 of that Act; and
 - (c) the functions of that Director under sections 56A to 56G of that Act, so far as relating to monopoly situations which exist or may exist in relation to commercial activities connected with the carrying on of activities to which this subsection applies; and references in Part IV and sections 86, 88 and 133 of that Act to that Director shall be construed accordingly.
- (3) There are hereby transferred to the Director (so as to be exercisable concurrently with the Director General of Fair Trading) the functions of that Director under sections 2 to 10 and 16 of the ^{M2}Competition Act 1980 (“the 1980 Act”) so far as relating to courses of conduct which have or are intended to have or are likely to have the effect of restricting, distorting, or preventing competition in connection with the carrying on of activities to which this subsection applies; and references in those sections and in section 19 of that Act to that Director shall be construed accordingly.
- (4) Subsections (2) and (3) above apply to—
 - (a) such activities as are mentioned in section 5(1) above; and
 - (b) activities ancillary to such activities as are so mentioned (including in particular the storage of gas, the provision and reading of meters and the provision of pre-payment facilities).

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- (5) Before either Director first exercises in relation to any matter functions transferred by any of the following provisions, namely—
- (a) paragraph (a) of subsection (2) above;
 - (b) paragraph (b) of that subsection;
 - (c) paragraph (c) of that subsection; and
 - (d) subsection (3) above,
- he shall consult the other Director; and neither Director shall exercise in relation to any matter functions transferred by any of those provisions if functions transferred by that provision have been exercised in relation to that matter by the other Director.
- (6) It shall be the duty of the Director, for the purpose of assisting the Monopolies Commission in carrying out an investigation on a reference made to them by the Director by virtue of subsection (2) or (3) above, to give to the Commission—
- (a) any information which is in his possession and which relates to matters falling within the scope of the investigation and—
 - (i) is requested by the Commission for that purpose; or
 - (ii) is information which in his opinion it would be appropriate for that purpose to give to the Commission without any such request; and
 - (b) any other assistance which the Commission may require and which it is within his power to give, in relation to any such matters,
- and the Commission shall, for the purposes of carrying out any such investigation, take into account any information given to them for that purpose under this subsection.
- (7) If any question arises as to whether subsection (2) or (3) above applies to any particular case, that question shall be referred to and determined by the Secretary of State; and no objection shall be taken to anything done under—
- (a) Part IV or section 86 or 88 of the 1973 Act; or
 - (b) sections 2 to 10 of the 1980 Act,
- by or in relation to the Director on the ground that it should have been done by or in relation to the Director General of Fair Trading.
- (8) Section 93B of the 1973 Act (offences of supplying false or misleading information to the Secretary of State, the Director General of Fair Trading or the Monopolies Commission in connection with their functions under Parts IV, V, VI or VIII of the 1973 Act or under the 1980 Act) shall have effect, so far as relating to functions exercisable by the Director by virtue of subsection (2) or (3) above, as if the reference in subsection (1)(a) of that section to the Director of Fair Trading included a reference to the Director.
- (9) Expressions used in this section which are also used in the 1973 Act or the 1980 Act have the same meanings as in that Act.
- (10) Any reference in this Part to functions of the Director under this Part, or to functions assigned to him by or under this Part, includes a reference to functions transferred to the Director by subsection (2) or (3) above.”

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Marginal Citations

M1 1973 c. 41.

M2 1980 c.21.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 3 para. 42(1)(a)para. 42(2)(a) repealed by [2000 c. 27 Sch. 8](#)