



Competition Act 1998

1998 CHAPTER 41

PART I

COMPETITION

CHAPTER V

MISCELLANEOUS

Interpretation and governing principles

59 [F1 Interpretation of Part 1].

(1) In this Part—

[F2 "agreement" is to be read with section 2(5) and (6);]

F3
...

F4
...

F5
...

F6
...

“block exemption” has the meaning given in section 6(4);

“block exemption order” has the meaning given in section 6(2);

“the Chapter I prohibition” has the meaning given in section 2(8);

“the Chapter II prohibition” has the meaning given in section 18(4);

[F7 “class member” has the meaning given in section 47B(8)(a);]

[F8 “the CMA” means the Competition and Markets Authority;]

[F7 “collective proceedings” has the meaning given in section 47B(1);]

[F7 “collective proceedings order” means an order made by the Tribunal authorising the continuance of collective proceedings;]

F9
...

F10
...

Changes to legislation: Competition Act 1998, Cross Heading: Interpretation and governing principles is up to date with all changes known to be in force on or before 10 April 2024. 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

“the court”, except in sections [F1149E,] 58[F12, 58A] and [F1360A][F14] and Schedule 8A] and the expression “European Court”, means—

- (a) in England and Wales, the High Court;
- (b) in Scotland, the Court of Session; and
- (c) in Northern Ireland, the High Court;

F15
...

“document” includes information recorded in any form;

F16
...

F17
...

F18
...

[F19]“individual exemption” has the meaning given in section 4(2);]

“information” includes estimates and forecasts;

[F7]“infringement decision”, except in section 49C, has the meaning given in section 47A(6);]

[F7]“injunction” includes an interim injunction;]

“investigating officer” has the meaning given in section 27(1);

[F20]“investigation” means an investigation under section 25;]

“Minister of the Crown” has the same meaning as in the Ministers of the M1 Crown Act 1975;

[F21]“OFCOM” means the Office of Communications;]

“officer”, in relation to a body corporate, includes a director, manager or secretary and, in relation to a partnership in Scotland, includes a partner;

[F7]“opt-in collective proceedings” has the meaning given in section 47B(10);]

[F7]“opt-out collective proceedings” has the meaning given in section 47B(11);]

F22
...

F23
...

“person”, in addition to the meaning given by the M2 Interpretation Act 1978, includes any undertaking;

[F24]“premises” includes any land or means of transport;]

“prescribed” means prescribed by regulations made by the Secretary of State;

“regulator” has the meaning given by section 54;

[F7]“representative” means a person who is authorised by a collective proceedings order to bring collective proceedings;]

[F7]“represented person” means a class member who—

- (a) has opted in to opt-in collective proceedings,
- (b) was domiciled in the United Kingdom at the time specified for the purposes of determining domicile (see section 47B(11)(b)(i)) and has not opted out of opt-out collective proceedings, or
- (c) has opted in to opt-out collective proceedings;]

[F25]“[F26] assimilated] block exemption regulation” has the meaning given in section 10(12);]

[F25]“[F26] assimilated] exemption” has the meaning given in section 10(3);]

F27
...

F28
...

Changes to legislation: Competition Act 1998, Cross Heading: Interpretation and governing principles is up to date with all changes known to be in force on or before 10 April 2024. 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

[^{F29}“ the Tribunal” means the Competition Appeal Tribunal;
“Tribunal rules” means rules under section 15 of the Enterprise Act 2002.]

[^{F30}“working day” means a day which is not—

- (a) Saturday,
- (b) Sunday,
- (c) Christmas Day,
- (d) Good Friday, or
- (e) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in any part of the United Kingdom.]

[^{F31}(1A) In this Part, in respect of proceedings in Scotland, [^{F32}“claimant” is to be read as “pursuer” and] “defendant” is to be read as “defender”.

(1B) Sections 41, 42, 45 and 46 of the Civil Jurisdiction and Judgments Act 1982 apply for the purpose of determining whether a person is regarded as “domiciled in the United Kingdom” for the purposes of this Part.]

(2) The fact that to a limited extent the Chapter I prohibition does not apply to an agreement, because of an exclusion provided by or under this Part or any other enactment, does not require those provisions of the agreement to which the exclusion relates to be disregarded when considering whether the agreement infringes the prohibition for other reasons.

(3) For the purposes of this Part, the power to require information, in relation to information recorded otherwise than in a legible form, includes power to require a copy of it in a legible form.

(4) Any power conferred on the [^{F33}CMA] by this Part to require information includes power to require any document which [^{F34}it] believes may contain that information.

Textual Amendments

- F1** Words in s. 59 sidenote substituted (1.5.2004) by [The Competition Act 1998 and Other Enactments \(Amendment\) Regulations 2004 \(S.I. 2004/1261\)](#), reg. 1(a), **Sch. 1 para. 35(3)**
- F2** Words in s. 59(1) inserted (1.5.2004) by [The Competition Act 1998 and Other Enactments \(Amendment\) Regulations 2004 \(S.I. 2004/1261\)](#), reg. 1(a), **Sch. 1 para. 35(2)(a)**
- F3** Words in s. 59(1) repealed (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, Sch. 5 para. 6(a), **Sch. 26**; [S.I. 2003/766](#), art. 2, Sch. (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), Sch.)
- F4** Words in s. 59(1) omitted (31.12.2020) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/93\)](#), regs. 1(1), **21(2)(a)** (with Sch. 4 paras. 2, 7, 13) (as amended by [S.I. 2020/1343](#), regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 59(1) omitted (31.12.2020) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/93\)](#), regs. 1(1), **21(2)(b)** (with Sch. 4 paras. 2, 7, 13) (as amended by [S.I. 2020/1343](#), regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 59(1) omitted (31.12.2020) by virtue of [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/93\)](#), regs. 1(1), **21(2)(c)** (with Sch. 4 paras. 2, 7, 13) (as amended by [S.I. 2020/1343](#), regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in s. 59(1) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 8 para. 15(2)**; [S.I. 2015/1630](#), art. 3(j)
- F8** Words in s. 59(1) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 5 para. 38(2)(a)** (with s. 28); [S.I. 2014/416](#), art. 2(1)(d) (with Sch.)

Changes to legislation: Competition Act 1998, Cross Heading: Interpretation and governing principles is up to date with all changes known to be in force on or before 10 April 2024. 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

- F9** Words in s. 59(1) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **21(2)(d)** (with Sch. 4 paras. 2, 7, 13) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in s. 59(1) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **21(2)(e)** (with Sch. 4 paras. 2, 7, 13) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Word in s. 59(1) inserted (1.10.2015) by Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 8 para. 15(3)**; S.I. 2015/1630, art. 3(j)
- F12** Word in s. 59(1) inserted (20.6.2003) by Enterprise Act 2002 (c. 40), **ss. 20(3)**, 279; S.I. 2003/1397, art. 2(1), Sch.
- F13** Word in s. 59(1) substituted (31.12.2020) by The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **21(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in s. 59(1) inserted (9.3.2017) by The Claims in respect of Loss or Damage arising from Competition Infringements (Competition Act 1998 and Other Enactments (Amendment)) Regulations 2017 (S.I. 2017/385), reg. 1(2), **Sch. 2 para. 9(2)**
- F15** Words in s. 59(1) repealed (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 25 para. 38(44)(a), **Sch. 26**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F16** Words in s. 59(1) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **21(2)(f)** (with Sch. 4 paras. 2, 7, 13) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in s. 59(1) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **21(2)(g)** (with Sch. 4 paras. 2, 7, 13) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in s. 59(1) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **21(2)(h)** (with Sch. 4 paras. 2, 7, 13) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in s. 59(1) cease to have effect (1.5.2004) by The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004 (S.I. 2004/1261), reg. 1(a), **Sch. 1 para. 35(2)(e)** (with reg. 6(2))
- F20** Words in s. 59(1) inserted (1.5.2004) by The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004 (S.I. 2004/1261), reg. 1(a), **Sch. 1 para. 35(2)(f)**
- F21** Words in s. 59(1) inserted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), **ss. 371(7)**, 411(2) (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F22** Words in s. 59(1) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 38(2)(b)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F23** Words in s. 59(1) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **21(2)(i)** (with Sch. 4 paras. 2, 7, 13) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F24** Words in s. 59(1) substituted (1.5.2004) by The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004 (S.I. 2004/1261), reg. 1(a), **Sch. 1 para. 35(2)(g)**
- F25** Words in s. 59(1) inserted (31.12.2020) by The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **21(4)** (with Sch. 4 paras. 7, 13) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F26** Word in s. 59(1) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 41(2)(d)**
- F27** Words in s. 59(1) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **21(2)(j)** (with Sch. 4 paras. 2, 7, 13) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in s. 59(1) omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **21(2)(k)** (with Sch. 4 paras. 2, 7, 13) (as amended by S.I. 2020/1343, regs. 35-59); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: *Competition Act 1998, Cross Heading: Interpretation and governing principles is up to date with all changes known to be in force on or before 10 April 2024. 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*

- F29** Words in s. 59(1) inserted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 5 para. 6(b), **Sch. 26**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F30** Words in s. 59(1) inserted (1.5.2004) by The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004 (S.I. 2004/1261), reg. 1(a), **Sch. 1 para. 35(2)(h)**
- F31** S. 59(1A)(1B) inserted (1.10.2015) by Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 8 para. 15(4)**; S.I. 2015/1630, art. 3(j)
- F32** Words in s. 59(1A) inserted (9.3.2017) by The Claims in respect of Loss or Damage arising from Competition Infringements (Competition Act 1998 and Other Enactments (Amendment)) Regulations 2017 (S.I. 2017/385), reg. 1(2), **Sch. 2 para. 9(3)**
- F33** Word in s. 59(4) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 5 para. 38(3)** (with s. 28); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F34** Words in s. 59(4) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 38(4)(b)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)

Modifications etc. (not altering text)

- C1** Pt. 1 modified (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), **ss. 371(3), 411(2)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

Commencement Information

- I1** S. 59 wholly in force at 11.1.1999; s. 59 not in force at Royal Assent see s. 76(3); s. 59 in force for certain purposes at 26.11.1998 by S.I. 1998/2750, **art. 2**; s. 59 in force in so far as not already in force by S.I. 1998/3166, art. 2, **Sch.**

Marginal Citations

- M1** 1975 c. 26.
- M2** 1978 c. 30.

^{F35}60 Principles to be applied in determining questions.

.....

Textual Amendments

- F35** S. 60 omitted (31.12.2020) by virtue of The Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93), regs. 1(1), **22**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F36}60A Certain principles etc to be considered or applied from IP completion day

- (1) This section applies when one of the following persons determines a question arising under this Part in relation to competition within the United Kingdom—
 - (a) a court or tribunal;
 - (b) the CMA;
 - (c) a person acting on behalf of the CMA in connection with a matter arising under this Part.
- (2) The person must act (so far as is compatible with the provisions of this Part) with a view to securing that there is no inconsistency between—
 - (a) the principles that it applies, and the decision that it reaches, in determining the question, and

Changes to legislation: *Competition Act 1998, Cross Heading: Interpretation and governing principles is up to date with all changes known to be in force on or before 10 April 2024. 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*

- (b) the principles laid down by the Treaty on the Functioning of the European Union and the European Court before IP completion day, and any relevant decision made by that Court before IP completion day, so far as applicable immediately before IP completion day in determining any corresponding question arising in EU law,
 subject to subsections (4) to (7).
- (3) The person must, in addition, have regard to any relevant decision or statement of the European Commission made before IP completion day and not withdrawn.
- (4) Subsection (2) does not require the person to secure that there is no inconsistency with a principle or decision referred to in subsection (2)(b) so far as the principle or decision is excluded from the law of England and Wales, Scotland and Northern Ireland on or after IP completion day.
- (5) For the purposes of subsection (4), a principle or decision is to be treated as not excluded from the law of England and Wales, Scotland and Northern Ireland if it is excluded only by virtue of an exclusion or revocation in the Competition (Amendment etc.) (EU Exit) Regulations 2019.
- (6) Subsection (2) does not apply so far as the person is bound by a principle laid down by, or a decision of, a court or tribunal in England and Wales, Scotland or Northern Ireland that requires the person to act otherwise.
- (7) Subsection (2) does not apply if the person thinks that it is appropriate to act otherwise in the light of one or more of the following—
- (a) differences between the provisions of this Part under consideration and the corresponding provisions of EU law as those provisions of EU law had effect immediately before IP completion day;
 - (b) differences between markets in the United Kingdom and markets in the European Union;
 - (c) developments in forms of economic activity since the time when the principle or decision referred to in subsection (2)(b) was laid down or made;
 - (d) generally accepted principles of competition analysis or the generally accepted application of such principles;
 - (e) a principle laid down, or decision made, by the European Court on or after IP completion day;
 - (f) the particular circumstances under consideration.
- (8) In subsection (2)(b), the reference to principles laid down before IP completion day is a reference to such principles as they have effect in EU law immediately before IP completion day, disregarding the effect of principles laid down, and decisions made, by the European Court on or after IP completion day.
- (9) In this section, references to a decision of the European Court or the European Commission include a decision as to—
- (a) the interpretation of a provision of EU law;
 - (b) the civil liability of an undertaking for harm caused by its infringement of EU law.]

Changes to legislation: *Competition Act 1998, Cross Heading: Interpretation and governing principles is up to date with all changes known to be in force on or before 10 April 2024. 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](#)*

Textual Amendments

F36 S. 60A inserted (31.12.2020) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/93), regs. 1(1), **23** (as amended by S.I. 2020/1343, [reg. 5](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Changes to legislation:

Competition Act 1998, Cross Heading: Interpretation and governing principles is up to date with all changes known to be in force on or before 10 April 2024. 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.

[View outstanding changes](#)

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

- [Blanket Amendment](#) words substituted by [2005 c. 4 Sch. 11 para. 5](#)

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

- s. 31G-31L and cross-heading inserted by S.I. 2019/93, reg. 8A (as inserted) by [S.I. 2019/1245 reg. 3](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 46(3)(ha)(hb) inserted by S.I. 2019/93, reg. 14(d) (as inserted) by [S.I. 2019/1245 reg. 5](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 47(1)(ca) inserted by S.I. 2019/93, reg. 15(b) (as substituted) by [S.I. 2019/1245 reg. 6](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 60A(10) inserted by [2023 c. 28 s. 6\(10\)](#)
- Sch. 6A para. 1A inserted by S.I. 2019/93, reg. 29A(2) (as inserted) by [S.I. 2019/1245 reg. 7](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 6A Pt. 3 inserted by S.I. 2019/93, reg. 29A(4) (as inserted) by [S.I. 2019/1245 reg. 7](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)