
Changes to legislation: Competition Act 1998, Paragraph 4 is up to date with all changes known to be in force on or before 21 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

SCHEDULES

SCHEDULE 12

MINOR AND CONSEQUENTIAL AMENDMENTS

The Competition Act 1980 (c.21)

- 4 (1) The Competition Act 1980 is amended as follows.
- (2) In section 11(8) (public bodies and other persons referred to the Commission), omit paragraph (b) and the “and” immediately before it.
- (3) ^{F1}For section 11(9) (which makes provision for certain functions of the Competition Commission under the ^{M1}Fair Trading Act 1973 to apply in relation to references under the Competition Act 1980) substitute—
- “(9) The provisions mentioned in subsection (9A) are to apply in relation to a reference under this section as if—
- (a) the functions of the Competition Commission under this section were functions under the Fair Trading Act 1973;
 - (b) the expression “merger reference” included a reference to the Commission under this section; and
 - (c) in paragraph 20(2)(a) of Schedule 7 to the Competition Act 1998, the reference to section 56 of the Fair Trading Act 1973 were a reference to section 12 below.
- (9A) The provisions are—
- (a) sections 70 (time limit for report on merger), 84 (public interest) and 85 (attendance of witnesses and production of documents) of the Fair Trading Act 1973; and
 - (b) Part II of Schedule 7 to the Competition Act 1998 (performance of the Competition Commission’s general functions).”]

(4) ^{F1}In section 13 (investigation of prices directed by Secretary of State)—

 - (a) in subsection (1), omit from “but the giving” to the end;
 - (b) for subsection (6) substitute—

“(6) For the purposes of an investigation under this section the Director may, by notice in writing signed by him—

 - (a) require any person to produce—
 - (i) at a time and a place specified in the notice,
 - (ii) to the Director or to any person appointed by him for the purpose,any documents which are specified or described in the notice and which are documents in his custody or under

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his control and relating to any matter relevant to the investigation; or

- (b) require any person carrying on any business to—
 - (i) furnish to the Director such estimates, forecasts, returns or other information as may be specified or described in the notice; and
 - (ii) specify the time, manner and form in which any such estimates, forecasts, returns or information are to be furnished.

(7) No person shall be compelled, for the purpose of any investigation under this section—

- (a) to produce any document which he could not be compelled to produce in civil proceedings before the High Court or, in Scotland, the Court of Session; or
- (b) in complying with any requirement for the furnishing of information, to give any information which he could not be compelled to give in evidence in such proceedings.

(8) Subsections (6) to (8) of section 85 of the ^{M2}Fair Trading Act 1973 (enforcement provisions relating to notices requiring production of documents etc.) shall apply in relation to a notice under subsection (6) above as they apply in relation to a notice under section 85(1) but as if, in section 85(7), for the words from “any one” to “the Commission” there were substituted “the Director.””]

(5) In section 15 (special provisions for agricultural schemes) omit subsections (2)(b), (3) and (4).

(6) In section 16 (reports), omit subsection (3).

(7) In section 17 (publication etc. of reports)—

- (a) in subsections (1) and (3) to (5), omit “8(1)”;
- (b) in subsection (2), omit “8(1) or”; and
- (c) in subsection (6), for “sections 9, 10 or” substitute “section ”.

(8) In section 19(3) (restriction on disclosure of information), omit paragraphs (d) and (e).

(9) In section 19(3), after paragraph (q), insert—

“(r) the Competition Act 1998”.

(10) In section 19(5)(a), omit “or in anything published under section 4(2)(a) above”.

(11) Omit section 22 (which amends the ^{M3}Fair Trading Act 1973).

^{F2}(12)

(13) Omit sections 25 to 30 (amendments of the ^{M4}Restrictive Trade Practices Act 1976).

(14) In section 31 (orders and regulations)—

- (a) omit subsection (2); and
- (b) in subsection (3), omit “10”.

(15) In section 33 (short title etc)—

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- F3**(a)
- (b) omit subsections (3) and (4).

Textual Amendments

- F1** Sch. 12 para. 4(3)(4) repealed (20.6.2003 for specified purposes) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); [S.I. 2003/1397](#), art. 2(1), [Sch.](#) (with art. 8)
- F2** Sch. 12 para. 4(12) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); [S.I. 2003/1397](#), art. 2(1), [Sch.](#) (with art. 8)
- F3** Sch. 12 para. 4(15)(a) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 26](#); [S.I. 2003/1397](#), art. 2(1), [Sch.](#) (with art. 8)

Commencement Information

- I1** Sch. 12 para. 4 wholly in force; Sch. 12 para. 4 not in force at Royal Assent see s. 76(3); Sch. 12 para. 4(9) (11) in force at 11.1.1999 by [S.I. 1998/3166](#), art. 2, [Sch.](#); Sch. 12 para. 4(1)(3)(12) in force at 1.4.1999 by [S.I. 1999/505](#), art. 2, [Sch. 2](#); Sch. 12 para. 4(2), (4)-(8)(10)(13)-(15) in force at 1.3.2000 by [S.I. 2000/344](#), art. 2, [Sch.](#)

Marginal Citations

- M1** 1973 c. 41.
M2 1973 c. 41.
M3 1973 c. 41.
M4 1976 c. 34.

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Changes and effects yet to be applied to :

- Sch. 12 para. 4(9)(10) repealed by [2002 c. 40 Sch. 26](#)

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.)