

SCHEDULES

SCHEDULE 7

THE COMPETITION COMMISSION

PART II

PERFORMANCE OF THE COMMISSION'S GENERAL FUNCTIONS

Interpretation

- 14 In this Part of this Schedule “group” means a group selected under paragraph 15.

Discharge of certain functions by groups

- 15 (1) Except where sub-paragraph (7) gives the Chairman power to act on his own, any general function of the Commission must be performed through a group selected for the purpose by the Chairman.
- (2) The group must consist of at least three persons one of whom may be the Chairman.
- (3) In selecting the members of the group, the Chairman must comply with any requirement as to its constitution imposed by any enactment applying to specialist panel members.
- (4) If the functions to be performed through the group relate to a newspaper merger reference, the group must, subject to sub-paragraph (5), consist of such reporting panel members as the Chairman may select.
- (5) The Secretary of State may appoint one, two or three persons from the panel maintained under paragraph 22 to be members and, if he does so, the group—
- (a) must include that member or those members; and
 - (b) if there are three such members, may (if the Chairman so decides) consist entirely of those members.
- (6) Subject to sub-paragraphs (2) to (5), a group must consist of reporting panel members or specialist panel members selected by the Chairman.
- (7) While a group is being constituted to perform a particular general function of the Commission, the Chairman may—
- (a) take such steps (falling within that general function) as he considers appropriate to facilitate the work of the group when it has been constituted; or
 - (b) exercise the power conferred by section 75(5) of the 1973 Act (setting aside references).

Status: This is the original version (as it was originally enacted).

Chairmen of groups

- 16 The Chairman must appoint one of the members of a group to act as the chairman of the group.

Replacement of member of group

- 17 (1) If, during the proceedings of a group—
- (a) a member of the group ceases to be a member of the Commission,
 - (b) the Chairman is satisfied that a member of the group will be unable for a substantial period to perform his duties as a member of the group, or
 - (c) it appears to the Chairman that because of a particular interest of a member of the group it is inappropriate for him to remain in the group,
- the Chairman may appoint a replacement.
- (2) The Chairman may also at any time appoint any reporting panel member to be an additional member of a group.

Attendance of other members

- 18 (1) At the invitation of the chairman of a group, any reporting panel member who is not a member of the group may attend meetings or otherwise take part in the proceedings of the group.
- (2) But any person attending in response to such an invitation may not—
- (a) vote in any proceedings of the group; or
 - (b) have a statement of his dissent from a conclusion of the group included in a report made by them.
- (3) Nothing in sub-paragraph (1) is to be taken to prevent a group, or a member of a group, from consulting any member of the Commission with respect to any matter or question with which the group is concerned.

Procedure

- 19 (1) Subject to any special or general directions given by the Secretary of State, each group may determine its own procedure.
- (2) Each group may, in particular, determine its quorum and determine—
- (a) the extent, if any, to which persons interested or claiming to be interested in the subject-matter of the reference are allowed—
 - (i) to be present or to be heard, either by themselves or by their representatives;
 - (ii) to cross-examine witnesses; or
 - (iii) otherwise to take part; and
 - (b) the extent, if any, to which sittings of the group are to be held in public.
- (3) In determining its procedure a group must have regard to any guidance issued by the Chairman.
- (4) Before issuing any guidance for the purposes of this paragraph the Chairman must consult the members of the Commission.

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

Effect of exercise of functions by group

20 (1) Subject to sub-paragraph (2), anything done by or in relation to a group in, or in connection with, the performance of functions to be performed by the group is to have the same effect as if done by or in relation to the Commission.

(2) For the purposes of—

- (a) sections 56 and 73 of the 1973 Act,
- (b) section 19A of the Agricultural Marketing Act 1958,
- (c) Articles 23 and 42 of the Agricultural Marketing (Northern Ireland) Order 1982,

a conclusion contained in a report of a group is to be disregarded if the conclusion is not that of at least two-thirds of the members of the group.

Casting votes

21 The chairman of a group is to have a casting vote on any question to be decided by the group.

Newspaper merger references

22 The Secretary of State must maintain a panel of persons whom he regards as suitable for selection as members of a group constituted in connection with a newspaper merger reference.