

SCHEDULES

SCHEDULE 14

Section 162.

ROLE OF THE COMPETITION COMMISSION

Provision of information by Treasury

- 1 (1) The Treasury's powers under this paragraph are to be exercised only for the purpose of assisting the Commission in carrying out an investigation under section 162.
- (2) The Treasury may give to the Commission—
- (a) any information in their possession which relates to matters falling within the scope of the investigation; and
 - (b) other assistance in relation to any such matters.
- (3) In carrying out an investigation under section 162, the Commission must have regard to any information given to it under this paragraph.

Consideration of matters arising on a report

- 2 In considering any matter arising from a report made by the Director under section 160, the Commission must have regard to—
- (a) any representations made to it in connection with the matter by any person appearing to the Commission to have a substantial interest in the matter; and
 - (b) any cost benefit analysis prepared by the Authority (at any time) in connection with the regulatory provision or practice, or any of the regulatory provisions or practices, which are the subject of the report.

Applied provisions

- 3 (1) The provisions mentioned in sub-paragraph (2) are to apply in relation to the functions of the Commission under section 162 as they apply in relation to the functions of the Commission in relation to a reference to the Commission under the Fair Trading Act 1973.
- (2) The provisions are—
- (a) section 82(2), (3) and (4) of the Fair Trading Act 1973 (general provisions about reports);
 - (b) section 85 of that Act (attendance of witnesses and production of documents);
 - (c) section 93B of that Act (false or misleading information);
 - (d) section 24 of the Competition Act 1980 (modifications of provisions about the performance of the Commission's functions);
 - (d) Part II of Schedule 7 to the Competition Act 1998 (performance by the Commission of its general functions).

Status: This is the original version (as it was originally enacted).

- (3) But the reference in paragraph 15(7)(b) in Schedule 7 to the 1998 Act to section 75(5) of that Act is to be read as a reference to the power of the Commission to decide not to make a report in accordance with section 162(2).

Publication of reports

- 4 (1) If the Commission makes a report under section 162, it must publish it in such a way as appears to it to be best calculated to bring it to the attention of the public.
- (2) Before publishing the report the Commission must, so far as practicable, exclude any matter which relates to the private affairs of a particular individual the publication of which, in the opinion of the Commission, would or might seriously and prejudicially affect his interests.
- (3) Before publishing the report the Commission must, so far as practicable, also exclude any matter which relates to the affairs of a particular body the publication of which, in the opinion of the Commission, would or might seriously and prejudicially affect its interests.
- (4) Sub-paragraphs (2) and (3) do not apply in relation to copies of a report which the Commission is required to send under section 162(10).