

SCHEDULES

SCHEDULE 12

Section 187

COMPETITION COMMISSION: CERTAIN PROCEDURAL RULES

“SCHEDULE 7A

THE COMPETITION COMMISSION: PROCEDURAL RULES FOR MERGERS AND MARKET REFERENCES ETC.

- 1 In this Schedule—
 - “market investigation” means an investigation carried out by a market reference group in connection with a reference under section 131 or 132 of the Enterprise Act 2002 (including that section as it has effect by virtue of another enactment);
 - “market reference group” has the meaning given by paragraph 19A(9) of Schedule 7 to this Act;
 - “merger investigation” means an investigation carried out by a merger reference group in connection with a reference under section 59 of the Fair Trading Act 1973 (c. 41), section 32 of the Water Industry Act 1991 (c. 56) or section 22, 33, 45 or 62 of the Act of 2002;
 - “merger reference group” has the meaning given by paragraph 19A(9) of Schedule 7 to this Act;
 - “relevant group” means a market reference group, merger reference group or special reference group;
 - “special investigation” means an investigation carried out by a special reference group—
 - (a) in connection with a reference under a provision mentioned in any of paragraphs (a) to (l) and (n) of the definition of “special reference group” in paragraph 19A(9) of Schedule 7 to this Act; or
 - (b) under a provision mentioned in paragraph (m) of that definition; and
 - “special reference group” has the meaning given by paragraph 19A(9) of Schedule 7 to this Act.
- 2 Rules may make provision—
 - (a) for particular stages of a merger investigation, a market investigation or a special investigation to be dealt with in accordance with a timetable and for the revision of that timetable;
 - (b) as to the documents and information which must be given to a relevant group in connection with a merger investigation, a market investigation or a special investigation;
 - (c) as to the documents or information which a relevant group must give to other persons in connection with such an investigation.
- 3 Rules made by virtue of paragraph 2(a) and (b) may, in particular, enable or require a relevant group to disregard documents or information given after a particular date.

Status: This is the original version (as it was originally enacted).

- 4 Rules made by virtue of paragraph 2(c) may, in particular, make provision for the notification or publication of, and for consultation about, provisional findings of a relevant group.
- 5 Rules may make provision as to the quorum of relevant groups.
- 6 Rules may make provision—
- (a) as to the extent (if any) to which persons interested or claiming to be interested in a matter under consideration which is specified or described in the rules are allowed—
 - (i) to be (either by themselves or by their representatives) present before a relevant group or heard by that group;
 - (ii) to cross-examine witnesses; or
 - (iii) otherwise to take part;
 - (b) as to the extent (if any) to which sittings of a relevant group are to be held in public; and
 - (c) generally in connection with any matters permitted by rules made under paragraph (a) or (b) (including, in particular, provision for a record of any hearings).
- 7 Rules may make provision for—
- (a) the notification or publication of information in relation to merger investigations, market investigations or special investigations;
 - (b) consultation about such investigations.”