

SCHEDULES

SCHEDULE 5

Section 21

PROCEEDINGS UNDER PART 1 OF THE 1998 ACT

- 1 Part 1 of the 1998 Act is amended as follows.
- 2 In section 46 (appealable decisions)—
- (a) in subsections (1) and (2), for “the Competition Commission” there is substituted “the Tribunal”;
 - (b) in subsection (3) (in the full-out words), after “other decision” there is inserted “under this Part”;
 - (c) subsection (3)(h) shall cease to have effect.
- 3 Section 48 (appeal tribunals) shall cease to have effect.
- 4 For section 49 there is substituted—

“49 Further appeals

- (1) An appeal lies to the appropriate court—
 - (a) from a decision of the Tribunal as to the amount of a penalty under section 36;
 - (b) from a decision of the Tribunal as to the award of damages or other sum in respect of a claim made in proceedings under section 47A or included in proceedings under section 47B (other than a decision on costs or expenses) or as to the amount of any such damages or other sum; and
 - (c) on a point of law arising from any other decision of the Tribunal on an appeal under section 46 or 47.
 - (2) An appeal under this section—
 - (a) may be brought by a party to the proceedings before the Tribunal or by a person who has a sufficient interest in the matter; and
 - (b) requires the permission of the Tribunal or the appropriate court.
 - (3) In this section “the appropriate court” means the Court of Appeal or, in the case of an appeal from Tribunal proceedings in Scotland, the Court of Session.”
- 5 In section 58(1) (findings of fact by director)—
- (a) in paragraph (a), after “appeal” there is inserted “under section 46 or 47”;
 - and
 - (b) in paragraph (b), for “an appeal tribunal” there is substituted “the Tribunal”.
- 6 In section 59(1) (interpretation of Part 1)—
- (a) the definition of “appeal tribunal” shall cease to have effect;
 - (b) after the definition of “the Treaty” there is inserted—

Status: This is the original version (as it was originally enacted).

““the Tribunal” means the Competition Appeal Tribunal;

“Tribunal rules” means rules under section 15 of the Enterprise Act 2002.”

- 7 (1) Schedule 7 (the Competition Commission) is amended as follows.
- (2) In paragraph 1 (interpretation)—
- (a) the definitions of “appeal panel member” and “the President” shall cease to have effect; and
 - (b) in the definition of “general functions”, paragraph (a) and the word “or” after it shall cease to have effect.
- (3) In paragraph 2 (membership), sub-paragraphs (1)(a), (3)(a) and (4) shall cease to have effect.
- (4) Paragraph 4 (the President) shall cease to have effect.
- (5) In paragraph 5 (the Council)—
- (a) sub-paragraph (2)(b), and
 - (b) in sub-paragraph (3), the words “and paragraph 5 of Schedule 8”, shall cease to have effect.
- (6) Part 3 (appeals) shall cease to have effect.
- 8 (1) Schedule 8 (appeals) is amended as follows.
- (2) Paragraph 1 shall cease to have effect.
- (3) In paragraph 2 (general procedure for appeals under Part 1)—
- (a) in sub-paragraph (1), for the words from “Competition” to “Commission” (in the second place it appears) there is substituted “Tribunal under section 46 or 47 must be made by sending a notice of appeal to it”;
 - (b) in sub-paragraph (3), for “tribunal” there is substituted “Tribunal”; and
 - (c) after sub-paragraph (3) there is inserted—
- “(4) In this paragraph references to the Tribunal are to the Tribunal as constituted (in accordance with section 14 of the Enterprise Act 2002) for the purposes of the proceedings in question.
- (5) Nothing in this paragraph restricts the power under section 15 of the Enterprise Act 2002 (Tribunal rules) to make provision as to the manner of instituting proceedings before the Tribunal.”
- (4) In paragraph 3, for “tribunal” (in each place) there is substituted “Tribunal”.
- (5) Paragraphs 4 to 14 shall cease to have effect.