



Enterprise and Regulatory Reform Act 2013

2013 CHAPTER 24

PART 4

COMPETITION REFORM

CHAPTER 3

ANTI-TRUST

Interim measures and other sanctions

43 Threshold for interim measures

In section 35 of the 1998 Act (interim measures), in subsection (2)(a), for “serious, irreparable damage” substitute “significant damage”.

44 Penalties: guidance etc.

(1) Part 1 of the 1998 Act (competition) is amended as follows.

(2) In section 36 (penalties), after subsection (7) insert—

“(7A) In fixing a penalty under this section the CMA must have regard to—

- (a) the seriousness of the infringement concerned, and
- (b) the desirability of deterring both the undertaking on whom the penalty is imposed and others from—

- (i) entering into agreements which infringe the Chapter 1 prohibition or the prohibition in Article 81(1), or
- (ii) engaging in conduct which infringes the Chapter 2 prohibition or the prohibition in Article 82.”

Status: This is the original version (as it was originally enacted).

- (3) In section 38 (guidance on level of penalties), in subsection (8), before “must have regard” insert “and the Tribunal”.