

SCHEDULES

SCHEDULE 13

Section 41

EXTENSION OF POWERS TO ISSUE WARRANTS UNDER THE 1998 ACT TO CAT

- 1 The 1998 Act is amended as follows.
- 2 (1) Section 28 (power to enter business premises under a warrant) is amended as follows.
- (2) In subsection (1), for the words before paragraph (a) substitute “On an application made to it by the CMA, the court or the Tribunal may issue a warrant if it is satisfied that—”.
- (3) In subsection (3), for “the judge” substitute “the court or (as the case may be) the Tribunal”.
- (4) After subsection (7) insert—
- “(7A) An application for a warrant under this section must be made—
- (a) in the case of an application to the court, in accordance with rules of court;
- (b) in the case of an application to the Tribunal, in accordance with Tribunal rules.”
- 3 (1) Section 28A (power to enter domestic premises under a warrant) is amended as follows.
- (2) In subsection (1), for the words before paragraph (a) substitute “On an application made to it by the CMA, the court or the Tribunal may issue a warrant if it is satisfied that—”.
- (3) In subsection (3), for “the judge” substitute “the court or (as the case may be) the Tribunal”.
- (4) After subsection (8) insert—
- “(8A) An application for a warrant under this section must be made—
- (a) in the case of an application to the court, in accordance with rules of court;
- (b) in the case of an application to the Tribunal, in accordance with Tribunal rules.”
- 4 In section 61 (interpretation of Part 2), after the definition of “the Treaty” insert—
- ““the Tribunal” means the Competition Appeal Tribunal;”
- “Tribunal rules” means rules under section 15 of the Enterprise Act 2002.””.
- 5 (1) Section 62 (power to enter business premises under a warrant: Article 20 inspections) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (1), for the words before paragraph (a) substitute “On an application made to it by the CMA, the High Court or the Tribunal must issue a warrant if it is satisfied that—”.
- (3) After subsection (8) insert—
- “(8A) An application for a warrant under this section must be made—
- (a) in the case of an application to the High Court, in accordance with rules of court;
- (b) in the case of an application to the Tribunal, in accordance with Tribunal rules.”
- 6 (1) Section 62A (power to enter non-business premises under a warrant: Article 21 inspections) is amended as follows.
- (2) In subsection (1), for the words before paragraph (a) substitute “On an application made to it by the CMA, the High Court or the Tribunal must issue a warrant if it is satisfied that—”.
- (3) After subsection (10) insert—
- “(10A) An application for a warrant under this section must be made—
- (a) in the case of an application to the High Court, in accordance with rules of court;
- (b) in the case of an application to the Tribunal, in accordance with Tribunal rules.”
- 7 (1) Section 63 (power to enter business premises under a warrant: Article 22(2) inspections) is amended as follows.
- (2) In subsection (1), for the words before paragraph (a) substitute “On an application made to it by the CMA, the High Court or the Tribunal must issue a warrant if it is satisfied that—”.
- (3) After subsection (8) insert—
- “(8A) An application for a warrant under this section must be made—
- (a) in the case of an application to the High Court, in accordance with rules of court;
- (b) in the case of an application to the Tribunal, in accordance with Tribunal rules.”
- 8 In section 65C (interpretation of Part 2A), in subsection (2), after the entry for “the Treaty” (but before the “and” following it) insert—
- ““the Tribunal;”
- “Tribunal rules;””.
- 9 (1) Section 65G (power to enter business premises under a warrant: Article 22(1) investigations) is amended as follows.
- (2) In subsection (1), for the words before paragraph (a) substitute “On an application made to it by the CMA, the court or the Tribunal may issue a warrant if it is satisfied that—”.
- (3) In subsection (3), for “the judge” substitute “the court or (as the case may be) the Tribunal”.

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

- (4) After subsection (8) insert—
- “(8A) An application for a warrant under this section must be made—
- (a) in the case of an application to the court, in accordance with rules of court;
 - (b) in the case of an application to the Tribunal, in accordance with Tribunal rules.”
- 10 (1) Section 65H (power to enter domestic premises under a warrant: Article 22(1) investigations) is amended as follows.
- (2) In subsection (1), for the words before paragraph (a) substitute “On an application made to it by the CMA, the court or the Tribunal may issue a warrant if it is satisfied that—”.
- (3) In subsection (3), for “the judge” substitute “the court or (as the case may be) the Tribunal”.
- (4) After subsection (8) insert—
- “(8A) An application for a warrant under this section must be made—
- (a) in the case of an application to the court, in accordance with rules of court;
 - (b) in the case of an application to the Tribunal, in accordance with Tribunal rules.”