

SCHEDULES

SCHEDULE 4

THE COMPETITION AND MARKETS AUTHORITY

PART 3

THE CMA PANEL

Requirement to make rules of procedure for certain groups

- 53 (1) Rules made under paragraph 51 may—
- (a) make different provision for different cases or different purposes;
 - (b) be varied or revoked by rules subsequently made under that paragraph.
- (2) They may in particular make provision—
- (a) for particular stages of a merger investigation, market investigation, or special investigation to be dealt with in accordance with a timetable and for revision of that timetable;
 - (b) as to the documents and information that must be given to a relevant group in connection with a merger investigation, market investigation or special investigation;
 - (c) as to the documents and information that a relevant group must give to other persons in connection with such an investigation.
- (3) Rules making provision as described in sub-paragraph (2)(a) or (2)(b) may, in particular, permit or require a relevant group to disregard documents or information given after a particular date.
- (4) Rules making provision as described in sub-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 made under paragraph 51 may make provision as to the quorum of relevant groups.
- (6) They may make provision—
- (a) as to the extent (if any) to which persons interested or claiming to be interested in a matter under consideration that is specified or described in the rules are allowed—
 - (i) to be present before or heard by a relevant group, either by themselves or by their representatives;
 - (ii) to cross-examine witnesses;
 - (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;

Status: This is the original version (as it was originally enacted).

- (c) generally in connection with any matters permitted by rules making provision as described in paragraph (a) or (b) (including, in particular, provision for a record of any hearings).
- (7) Rules made under paragraph 51 may make provision for—
- (a) the notification or publication of information relating to merger investigations, market investigations or special investigations;
 - (b) consultation about such investigations.
- (8) Rules made under paragraph 51 for market reference groups may make provision as to the involvement of any public interest expert in the market investigation in connection with the reference under section 140A of the Enterprise Act 2002 in relation to which the expert was appointed.
- (9) For the purposes of this paragraph—
- “market investigation” means an investigation carried out by a market reference group in connection with a reference under section 131, 132 or 140A of the Enterprise Act 2002;
 - “merger investigation” means an investigation carried out by a merger reference group in connection with a reference under section 32 of the Water Industry Act 1991 or section 22, 33, 45, or 62 of the Enterprise Act 2002;
 - “public interest expert” means a person appointed under section 141B of the Enterprise Act 2002 in relation to a reference under section 140A(6) of that Act;
 - “relevant group” means a market reference group, a merger reference group, or a special reference group;
 - “special investigation” means an investigation carried out by a special reference group in connection with a provision listed in paragraph 51(6)(c).