

1999 No. 505 (C. 9)

COMPETITION

**The Competition Act 1998 (Commencement No. 3) Order
1999**

Made - - - - - 2nd March 1999
Coming into force 1st April 1999

The Secretary of State in exercise of the powers conferred on him by section 76 of the Competition Act 1998(a) hereby makes the following Order:

Citation

1. This Order may be cited as the Competition Act 1998 (Commencement No. 3) Order 1999.

Provisions of the Act commenced by this Order

2. 1st April 1999 is the appointed day for the coming into force of the provisions of the Act listed in the first column of the Schedule to this Order for the purposes set out in the second column.

2nd March 1999

Kim Howells
Parliamentary Under Secretary of State for
Competition and Consumer Affairs,
Department of Trade and Industry

SCHEDULE 2

Article 2

PROVISIONS OF THE COMPETITION ACT 1998 COMING INTO FORCE ON
1ST APRIL 1999

<i>Provisions of the Act</i>	<i>Purpose</i>
Section 45 (Competition Commission)	For all purposes
Section 48 (Appeal tribunals)	For all purposes
Section 49(3) (rules in respect of appeals)	For all purposes
Section 54(3) (minor and consequential amendments)	In so far as relating to the provisions in Schedule 10 brought into force by this Order
Sections 66 (monopoly investigations general), 67 (offences) and 68 (services relating to land)	For all purposes
Section 74(1) and (3) (minor and consequential amendments and repeals)	In so far as they relate to the provisions in Schedules 12 and 14 brought into force by this Order
Schedule 7 (the Competition Commission)	For all purposes
Schedule 8 (appeals) paragraph 1 and Part II	For all purposes
Schedule 10 (regulators) paragraphs 1, 9(1), (2) and (5), 10(1) and (2), 12(1), (2), and (6), 13(1), (3) and (8), 15(1) and (2), 17(1), (2) and (6) and 18(1) and (2)	For all purposes
Schedule 12 (minor and consequential amendments) paragraphs 1(1), (2), (9) to (13) and (15), 4(1), (3) and (12), 6(a), 7(1) and (2), 14(1) and (3), 15, and 20(1) and (2)	For all purposes
In Part I of Schedule 14 (repeals and revocations) the entries relating to sections 4, 45, 81, 135 of and Schedule 3 to the Fair Trading Act 1973(a) and in Part II the entry relating to paragraph 16(2) of Schedule 8 to the Agricultural Marketing (Northern Ireland) Order 1982(b)	For all purposes

(a) 1973 c. 41.

(b) S.I. 1982/1080 (N.I. 12).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st April 1999 certain provisions of the Competition Act 1998.

Article 2 brings into force section 45 which dissolves the Monopolies and Mergers Commission and transfers its functions to the Competition Commission and confers on the Secretary of State power by order to make consequential supplemental and incidental provisions. It brings into force Schedule 7, which makes provision for the constitution and functions of the Competition Commission, and sections 48, 49(3) and paragraph 1 and Part II of Schedule 8, which provide for appeals to appeal tribunals of the Competition Commission in respect of the decisions listed in section 46 and for rules to be made with respect to such appeals and appeal tribunals. It brings into force an amendment to the Tribunals and Inquiries Act 1992 (c. 53) to place the Competition Commission under the supervision of the Council on Tribunals.

Article 2 brings into force amendments to the Competition Act 1980 (c. 21), the Telecommunications Act 1984 (c. 12), the Gas Act 1986 (c. 44), the Airports Act 1986 (c. 31), the Electricity Act 1989 (c. 29), the Broadcasting Act 1990 (c. 42), the Water Industry Act 1991 (c. 56), the Railways Act 1993 (c. 43), the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1)), the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1)) and the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2)) to apply provisions of Schedule 7 to references made under those Acts and Orders (in place of provisions of Schedule 3 to the Fair Trading Act 1973). Also brought into force by Article 2 are amendments to the Telecommunications Act 1984, the Electricity Act 1989, the Water Industry Act 1991 and the Electricity (Northern Ireland) Order 1992 to apply the offence in section 93B of the Fair Trading Act 1973 of supplying false or misleading information in respect of certain functions of the Director General of Fair Trading under that Act, to the supply of such information to the Director General of Telecommunications, the Director General of Electricity Supply, the Director General of Water Services and the Director General of Electricity Supply for Northern Ireland in respect of their exercise of the same functions.

Article 2 brings into force amendments to the Competition Commission's powers of investigation in section 85 of the Fair Trading Act 1973.

Article 2 brings into force section 66 which amends section 44 of the Fair Trading Act 1973 which confers on the Director General of Fair Trading powers to conduct investigations in order to decide whether to make a monopoly reference or propose undertakings in lieu. It makes consequential amendments to the offences which may be committed in respect of such investigations. It brings into force paragraph 1 of Schedule 10 which provides that these amendments are also to have effect in respect of the jurisdiction of the Director General of Telecommunications, the Director General of Electricity Supply, the Director General of Electricity Supply for Northern Ireland, the Director General of Water Services, the Rail Regulator, the Director General of Gas Supply and the Director General of Gas Supply for Northern Ireland. Article 2 also brings into force the repeal of section 45 of the Fair Trading Act 1973 which conferred on the Director General of Fair Trading specific investigation powers in respect of complex monopolies.

Article 2 brings into force section 68 which amends the Fair Trading Act 1973 to give the Secretary of State power by order to extend the definition of services in respect of which monopoly references may be made, to ones which consist in, or in the making of arrangements in connection with, permitting the use of land.

Article 2 brings into force consequential repeals and amendments.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Competition Act 1998 have been brought into force by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s. 3(1)(a), (c) and (d) and (2) to (6)	11.1.1999	1998/3166
s. 3(1)(b) (partially)	11.1.1999	1998/3166
s. 12(3)	11.1.1999	1998/3166
s. 19	11.1.1999	1998/3166
s. 38(1) to (7)	11.1.1999	1998/3166
s. 50	11.1.1999	1998/3166
s. 51	26.11.1998	1998/2750
s. 52	26.11.1998	1998/2750
s. 53	11.1.1999	1998/3166
s. 54(2) (partially)	26.11.1998	1998/2750
s. 54(3) (partially)	11.1.1999	1998/3166
s. 54(4) to (7)	11.1.1999	1998/3166
s. 55(6)	11.1.1999	1998/3166
s. 57	11.1.1999	1998/3166
s. 59 (partially)	26.11.1998	1998/2750
s. 59 (for all other purposes)	11.1.1999	1998/3166
s. 60	11.1.1999	1998/3166
s. 69	11.1.1999	1998/3166
s. 74 (partially)	11.1.1999	1998/3166
Sch. 1	11.1.1999	1998/3166
In Sch. 2 para 6	11.1.1999	1998/3166
Sch. 3	11.1.1999	1998/3166
Sch. 4	11.1.1999	1998/3166
Sch. 9	26.11.1998	1998/2750
In Sch. 10 paras 2 to 8 (partially)	26.11.1998	1998/2750
In Sch. 10 paras 9(7)(b), 10(6)(b), 11(b), 12(7)(b), 13(10)(b), 14(b), 15(9)(b), 17(7)(b) and 18(6)(b)	11.1.1999	1998/3166
In Sch. 12 paras 1(14), 3(b), 4(9), 10(b) and 18(b)	11.1.1999	1998/3166
In Sch. 12 para 4(11)	11.1.1999	1998/3166
In Sch. 13 paras 10(5), and 19(3)	11.1.1999	1998/3166
In Sch. 13 paras 11 and 12(1) (partially)	11.1.1999	1998/3166
In Sch. 14 the entries in Part I relating to s. 83 of the Fair Trading Act 1973 and to s. 22 of the Competition Act 1980	11.1.1999	1998/3166

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