

2003 No. 767

COMPETITION

The Enterprise Act 2002 (Consequential and Transitory Provisions) Order 2003

Made - - - - - 18th March 2003
Laid before Parliament 18th March 2003
Coming into force - - 1st April 2003

The Secretary of State, in exercise of the powers conferred upon her by section 277 of the Enterprise Act 2002(a), hereby makes the following Order:

Citation, commencement and interpretation

1. This Order may be cited as the Enterprise Act 2002 (Consequential and Transitory Provisions) Order 2003 and shall come into force on 1st April 2003.

Consequential and transitory provision

2. For all purposes relating to their application to proceedings before the Competition Appeal Tribunal, references in the Competition Commission Appeal Tribunal Rules 2000(b) to the “Competition Commission”, “the President”, the “Registrar of Appeal Tribunals” and “the tribunal” shall be treated as being, respectively, references to the Competition Appeal Tribunal, the President of the Competition Appeal Tribunal, the Registrar of the Competition Appeal Tribunal and the Competition Appeal Tribunal.

3. The EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001(c) are amended as follows—

- (a) in regulation 2—
 - (i) for the words “the person appointed under paragraph 4 of Schedule 7” there is substituted “the President of the Competition Appeal Tribunal”;
 - (ii) for “an appeal tribunal established in accordance with the provisions of Part III of Schedule 7 to the Act” there is substituted “the Competition Appeal Tribunal”; and
 - (iii) for “rules made in accordance with section 48(2) of the Act” there is substituted “rules made under section 15 of the Enterprise Act 2002”;
- (b) in regulation 27 for the words from “by the President” until the end there is substituted “in accordance with section 14 of the Enterprise Act 2002”; and
- (c) in Schedule 2—
 - (i) in paragraph 1 for the words from “a person” to “to the Act” there is substituted “the Chairman of the tribunal as constituted (in accordance with section 14 of the Enterprise Act 2002) for the purposes of the proceedings in question”; and

(a) 2002 c. 40.
(b) SI 2000/261.
(c) SI 2001/2916, to which there are amendments not relevant to these Regulations.

(ii) in paragraph 5 for sub-paragraphs (a) and (b) there is substituted—

“(a) paragraph 17(1)(c) of Schedule 4 to the Enterprise Act 2002; or

(b) paragraph 17(1)(f) of Schedule 4 to the Enterprise Act 2002”.

4. In section 47(6) of the Competition Act 1998(d) for “Competition Commission” there is substituted “the Tribunal”.

18th March 2003

Melanie Johnson,
Parliamentary Under Secretary of State for Competition,
Consumers and Markets, Department of Trade and Industry

(d) 1998 c. 41.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Competition Commission Appeal Tribunal Rules (S.I. 2000/261) (“the Rules”) and the EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001 (S.I. 2001/2916) (“the Regulations”) in relation to the creation of the Competition Appeal Tribunal (the Tribunal) in consequence of the coming into force on 1st April 2003 of various provisions of the Enterprise Act 2002 (“the Act”) concerning the Tribunal, including paragraph 12(1) of Schedule 24 of the Act which provides for the Rules to be treated as rules made under section 15 of the Act so that they apply to proceedings before the Tribunal. Article 2 of this Order makes provision in relation to the meaning of certain terms in the Rules. Article 3 contains similar minor consequential amendments to the Regulations. Article 4 makes transitory provision to amend section 47(6) of the Competition Act 1998 pending the commencement of the substitution of a new section 47 in that Act by section 17 of the Act.

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