
STATUTORY INSTRUMENTS

2000 No. 311

COMPETITION

**The Competition Act 1998 (Transitional, Consequential
and Supplemental Provisions) Order 2000**

<i>Made</i>	- - - -	<i>10th February 2000</i>
<i>Laid before Parliament</i>		<i>10th February 2000</i>
<i>Coming into force</i>		
<i>Articles 18, 23, 29, 34 and 42</i>		<i>1st March 2005</i>
<i>Remainder</i>		<i>1st March 2000</i>

The Secretary of State in exercise of the powers conferred on him by sections 45, 71 and 75 of the Competition Act 1998(1) hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Competition Act 1998 (Transitional, Consequential and Supplemental Provisions) Order 2000 and shall come into force on 1st March 2000 (“the starting date”) with the exception of articles 18, 23, 29, 34 and 42 which shall come into force on 1st March 2005.

Supplemental amendments to the Competition Act 1998

2. In the Competition Act 1998 in paragraph 37 of Schedule 13 in sub-paragraph (2) after “or paragraph 2 or 9 of Schedule 3” insert “or the Competition Act 1998 (Land and Vertical Agreements Exclusion) Order 2000”(2).

Transitional provisions

(1) 1998 c. 41.
(2) S.I. 2000/310.

The Patents Act 1977

3. Notwithstanding the repeal by section 70 of the Competition Act 1998 of sections 44 and 45 of the Patents Act 1977~~(3)~~—

- (a) section 44 shall continue to apply in respect of any agreement made before the starting date; and
- (b) section 45 shall continue to apply where an application is made or notice is given under section 45(1) or (3) respectively before the starting date.

Disclosure of Restricted Information

4.—(1) This paragraph applies in relation to information which, immediately before the starting date, was subject to the provisions of any Act or Order which permitted the disclosure of information for the purposes of functions under, or proceedings brought under or by virtue of, the Restrictive Trade Practices Act 1976~~(4)~~ or the Resale Prices Act 1976~~(5)~~.

(2) Notwithstanding the repeal of such provisions by the Competition Act 1998 or by this Order, such disclosure shall continue to be permitted.

Consequential amendments

Agricultural Marketing Act 1958

5.—(1) The Agricultural Marketing Act 1958~~(6)~~ is amended as follows.

(2) In section 19A (powers exercisable following Competition Commission report) in subsection (1) the words “8 or” are repealed.

Cereals Marketing Act 1965

6.—(1) The Cereals Marketing Act 1965~~(7)~~ is amended as follows.

(2) In Schedule 1 (provisions as to home-grown cereals authority) paragraph 3 is repealed.

Agriculture Act 1967

7.—(1) The Agriculture Act 1967~~(8)~~ is amended as follows.

(2) In section 9 (powers to meet future developments in livestock and livestock products industries) subsection (11) is repealed.

Agriculture (Miscellaneous Provisions) Act 1968

8.—(1) The Agriculture (Miscellaneous Provisions) Act 1968~~(9)~~ is amended as follows.

(2) Section 45 (modification of Restrictive Trade Practices Act 1956 in relation to agricultural marketing boards) is repealed.

(3) 1977 c. 37.

(4) 1976 c. 34.

(5) 1976 c. 53.

(6) 1958 c. 47. Section 19A was inserted by section 127 of the Fair Trading Act 1973 (c. 41).

(7) 1965 c. 14.

(8) 1967 c. 22. Section 9(11) was amended by S.I. 1979/578 and section 44 of, and Schedule 5 to, the Restrictive Trade Practices Act 1976 (c. 34) by S.I. 1983/1127.

(9) 1968 c. 34. Section 45(1), (2), (3), (5) and (7) were amended by section 44 of, and Schedule 5 to, the Restrictive Trade Practices Act 1976 (c. 34).

Fair Trading Act 1973

9.—(1) The Fair Trading Act 1973(**10**) is amended as follows.

(2) In section 82 (general provisions as to reports)—

- (a) in subsection (3) for the words “Subject to the next following subsection, if” is substituted “If”;
- (b) in subsection (3) paragraph (b) is repealed and the words “or” at the end of paragraph (a), “or of the Commission as the case may be” and “ or of the Commission” are repealed;
- (c) for subsection (4) is substituted “If, on a reference to the Commission, other than a monopoly reference limited to the facts, a member of the group selected for the purpose pursuant to paragraph 15 of Schedule 7 to the Competition Act 1998 dissents from any conclusions contained in the report as being conclusions of the Commission, the report shall, if that member so desires, include a statement of his dissent and of his reasons for dissenting.”.

(3) In section 89 (interim order after report of Commission under section 54 or section 72) in subsection (1)(a) the words “and (ii) section 10 of the Competition Act 1980,” are repealed.

(4) In section 93A (enforcement of undertakings) in subsection (1) in paragraph (b) the word “, or” and paragraph (c) are repealed.

(5) In section 133 (general restrictions on disclosure of information) in subsections (2)(a) and (3) the words “the Restrictive Trade Practices Act 1956 or the Restrictive Trade Practices Act 1968” are repealed.

(6) In section 137 (general interpretation provisions) in subsection (1) the words ““the Act of 1976” means the Restrictive Trade Practices Act 1976;” are repealed.

Participation Agreements Act 1978

10. The Participation Agreements Act 1978(**11**) (an Act to exclude the application of the Restrictive Trade Practices Act 1976 in relation to certain agreements, and for connected purposes) is repealed.

Competition Act 1980

11.—(1) The Competition Act 1980(**12**) is amended as follows.

(2) In section 33 (short title, interpretation, repeals, commencement and extent) in subsection (2) the words “the Act of 1976” are repealed.

Merchant Shipping (Liner Conferences) Act 1982

12.—(1) In the Merchant Shipping (Liner Conferences) Act 1982(**13**) section 11 (exclusion of restrictive practices law) is amended as follows.

(10) 1973 c. 41. Paragraph (a) of section 89(1) was substituted by section 153 of, and paragraph 15(1) and (4) of Schedule 20 to, the Companies Act 1989 (c. 40); section 93A was inserted by section 148 of the Companies Act 1989; in section 133(2)(a) the references to “the Restrictive Trade Practices Act 1956 and the Restrictive Trade Practices Act 1968” were inserted by section 44 of, and Schedule 5 to, the Restrictive Trade Practices Act 1976 (c. 34); section 133(3) was amended by section 44 of, and Schedule 5 to, the Restrictive Trade Practices Act 1976; and the definition in section 137(1) of “the Act of 1976” was substituted by section 44 of, and Schedule 5 to, the Restrictive Trade Practices Act 1976.

(11) 1978 c. 1.

(12) 1980 c. 21.

(13) 1982 c. 37.

(2) For subsection (1) is substituted “(1) No agreement shall so far as it relates to any restriction to which this section applies be unenforceable by virtue of any rule of law about unreasonable restraint of trade.”.

(3) Subsections (5) and (6) are repealed.

Insurance Companies Act 1982

13.—(1) The Insurance Companies Act 1982(**14**) is amended as follows.

(2) In Schedule 2B in Part I (information relating to UKEC and Non-EC companies) in the Table—

- (a) in paragraph 8 the words “the Restrictive Trade Practices Act 1976” are repealed and after the words “the Competition Act 1980” is inserted “, the Competition Act 1998”; and
- (b) for paragraph 24 is substituted, in the column headed “persons”, “ The Competition Commission” and, in the column headed “functions”, “ Functions under the Fair Trading Act 1973, the Competition Act 1980 and the Competition Act 1998”.

Transport Act 1985

14.—(1) The Transport Act 1985(**15**) is amended as follows.

(2) Sections 115 (application of Restrictive Trade Practices Act 1976 to agreements between road passenger transport operators) and 116 (use of bus stations: monopolies, anti-competitive practices and restrictive trade practices) are repealed.

Housing Act 1985

15.—(1) The Housing Act 1985(**16**) is amended as follows.

(2) Sections 454 (exclusion of Restrictive Trade Practices Act: recommendations as to implementation of this Part) and 455 (exclusion of Restrictive Trade Practices Act: agreements as to loans on security of new houses) are repealed.

Housing Associations Act 1985

16.—(1) The Housing Associations Act 1985(**17**) is amended as follows.

(2) In section 84 (agreements to indemnify certain lenders: England and Wales) subsection (6) and in section 86 (agreements to indemnify building societies: Scotland) subsection (5) are repealed.

Airports Act 1986

17.—(1) The Airports Act 1986(**18**) is amended as follows.

(2) In section 74 (restriction on disclosure of information) subsection (3)(d) and (e) are repealed.

Gas Act 1986

18.—(1) The Gas Act 1986(**19**) is amended as follows.

(14) 1982 c. 50.

(15) 1985 c. 67.

(16) 1985 c. 68.

(17) 1985 c. 69. Section 86(5) was amended by section 25(1) of, and paragraph 4(6) of Schedule 2 to, the Housing (Scotland) Act 1986 (c. 65).

(18) 1986 c. 31.

(19) 1986 c. 44. Section 62 was amended by sections 11(1), (2), (3) and (4) of the Gas Act 1995 and by section 50 of the Petroleum Act 1998 and by Article 7(1) of the Gas (Northern Ireland) Order 1996 S.I. 1996/275.

(2) Section 62 (exclusion of certain agreements from the Restrictive Trade Practices Act 1976) is repealed.

Insolvency Act 1986

19.—(1) The Insolvency Act 1986(**20**) is amended as follows.

(2) In section 428 (exemptions from Restrictive Trade Practices Act) subsections (1), (2) and in subsection (3) the words “; and expressions which are also used in the Act of 1976 have the same meaning here as in that Act” are repealed.

Financial Services Act 1986

20.—(1) The Financial Services Act 1986(**21**) is amended as follows.

(2) In section 180 (exceptions from restrictions on disclosure) in subsection (7)(a) the words “the Restrictive Trade Practices Act 1976 or” are repealed and after the words “the Competition Act 1980” is inserted “or the Competition Act 1998”.

Channel Tunnel Act 1987

21.—(1) The Channel Tunnel Act 1987(**22**) section 33 (competition, etc.) is amended as follows.

(2) Subsections (1), (2)(b), (3), (4), (5)(a), (8) and (9) are repealed.

(3) In subsections (6) and (7) the words “or (5)” are repealed.

(4) In subsection (12) the following words are repealed: “‘the Act of 1976’ means the Restrictive Trade Practices Act 1976”, “‘the Act of 1980’ means the Competition Act 1980;” and “‘specify’ and ‘specified’ mean specify or specified in an order.”.

Copyright, Designs and Patents Act 1988

22.—(1) The Copyright, Designs and Patents Act 1988(**23**) is amended as follows.

(2) In sections 144 (powers exercisable in consequence of report of Monopolies and Mergers Commission) and 238 (powers exercisable for protection of the public interest) in subsection (2) and in paragraph 17(2) of Schedule 2A (licensing of performer’s property rights)(**24**) for the words “sections 10(2)(b) and” substitute the word “section”.

Electricity Act 1989

23.—(1) The Electricity Act 1989(**25**) is amended as follows.

(2) In section 100 (competition and restrictive trade practices) the following are repealed—

(a) in subsection (1) the words “the Restrictive Trade Practices Act 1976 (in this section referred to as ‘the 1976 Act’)”; and

(b) subsections (2), (3), (4), (5) and (6).

(20) 1986 c. 45.

(21) 1986 c. 60.

(22) 1987 c. 53.

(23) 1988 c. 48.

(24) Schedule 2A inserted by regulation 22(2) of S.I. 1996/2967.

(25) 1989 c. 29. Section 100(6) was inserted by article 5 of S.I. 1992/232.

Companies Act 1989

24. In the Companies Act 1989(**26**) the following are repealed—

- (a) in Schedule 14 (supervisory and qualifying bodies: restrictive practices) paragraph 10; and
- (b) in Schedule 18 (“subsidiary” and related expressions: consequential amendments and savings) paragraph 14.

Courts and Legal Services Act 1990

25.—(1) The Courts and Legal Services Act 1990(**27**) is amended as follows.

(2) In section 50 (exceptions from restrictions on disclosure) subsection (2)(m)(iv) is repealed.

Broadcasting Act 1990

26.—(1) The Broadcasting Act 1990(**28**) is amended as follows.

(2) Section 194 (Restrictive Trade Practices Act 1976 not to apply to networking arrangements) is repealed.

(3) In section 197 (restriction on disclosure of information) the words “, the Restrictive Trade Practices Act 1976” in subsections 2(a)(ii) and (2)(c)(**29**) are repealed and in subsection (5) for paragraph (b) is substituted the word “and”.

New Roads and Street Works Act 1991

27.—(1) The New Roads and Street Works Act 1991(**30**) is amended as follows.

(2) In sections 10 (application of enactments relating to monopolies, etc.) and 33 (application of enactments relating to monopolies, etc.) subsections (1)(b) and (c) and (3) are repealed.

Environment Act 1995

28.—(1) The Environment Act 1995(**31**) is amended as follows.

(2) In section 94 (producer responsibility: supplementary provisions) in subsection (1) paragraph (o) is repealed.

(3) In section 94A (producer responsibility: competition matters) in subsection (1) the word “(o),” and subsection (2)(c) are repealed.

Gas Act 1995

29.—(1) The Gas Act 1995(**32**) is amended as follows.

(2) In Schedule 5 (transitional provisions and savings) paragraph 30 (restrictive trade practices) is repealed.

(26) 1989 c. 40.

(27) 1990 c. 41.

(28) 1990 c. 42.

(29) Subsections 2(a)(ii) and 2(c) were amended by the Competition Act 1998 (Competition Commission) Transitional, Consequential and Supplemental Provisions Order 1999, S.I. 1999/506, article 29(b).

(30) 1991 c. 22.

(31) 1995 c. 25. Section 94A was inserted by section 3(1)(b) of, and paragraph 6(4) of Schedule 2 to, the Competition Act 1998 (c. 41).

(32) 1995 c. 45.

Uncertificated Securities Regulations 1995

- 30.**—(1) The Uncertificated Securities Regulations 1995(**33**) are amended as follows.
- (2) In regulation 13 for the word “126” is substituted “125”.
- (3) In Schedule 2 paragraphs 6 (exemptions from Restrictive Trade Practices Act 1976) and 7 (exemptions from Competition Act 1980) are revoked.

Channel Tunnel Rail Link Act 1996

- 31.**—(1) The Channel Tunnel Rail Link Act 1996(**34**) is amended as follows.
- (2) Sections 23 (restrictive trade practices) and 25 (anti-competitive practices) are repealed.
- (3) In section 24 (monopoly situations) subsections (2) and (3) are repealed and in subsection (4) for the words “subsections (1) and (2)” is substituted “subsection (1)”.
- (4) In section 26 (sections 23 to 25: supplementary provisions)—
- (a) in subsections (1) and (2) the words “23(2) or (8),” and “or (2) or 25(1) or (2)” are repealed; and
- (b) in subsection (4) the words “23(2) or (8)”, “or 25” and “orders made by virtue of section 23(4) above,” are repealed.
- (5) In subsection (5) for “sections 23 to 25” is substituted “section 24”.

EC Competition Law (Articles 88 and 89) Enforcement Regulations 1996

- 32.**—(1) The EC Competition Law (Articles 88 and 89) Enforcement Regulations 1996(**35**) regulation 28 (restrictions on disclosure of information) is amended as follows.
- (2) In paragraph 2(a) the words “, or the Restrictive Trade Practices Act 1976, or the Resale Prices Act 1976” are revoked.
- (3) In paragraph (3) the words “Restrictive Trade Practices Act 1976” are revoked.

Plant Varieties Act 1997

- 33.**—(1) The Plant Varieties Act 1997(**36**) is amended as follows.
- (2) Section 33 (exclusion from Restrictive Trade Practices Act 1976) is repealed.

Petroleum Act 1998

- 34.**—(1) The Petroleum Act 1998(**37**) is amended as follows.
- (2) In Schedule 4 paragraph 22 (the Gas Act 1986) is repealed.

Greater London Authority Act 1999

- 35.**—(1) The Greater London Authority Act 1999(**38**) is amended as follows.
- (2) In section 23 (restrictions on disclosure of information)—
- (a) in subsection (3) paragraphs (d) and (e) are repealed; and

(33) S.I. 1995/3272.

(34) 1996 c. 61.

(35) S.I. 1996/2199.

(36) 1997 c. 66.

(37) 1998 c. 17.

(38) 1999 c. 29.

(b) after paragraph (r) the words “(rr) the Competition Act 1998” are inserted.

Consequential Amendments: Northern Ireland

Livestock Marketing Commission Act (Northern Ireland) 1967

36.—(1) The Livestock Marketing Commission Act (Northern Ireland) 1967(**39**) is amended as follows.

(2) In section 2 (development of livestock and livestock products industries) subsection (6) is repealed.

Housing (Northern Ireland) Order 1981

37.—(1) The Housing (Northern Ireland) Order 1981(**40**) is amended as follows.

(2) Article 155A (exclusion of Restrictive Trade Practices Act 1976) is revoked.

(3) In Article 156 (power of Northern Ireland Housing Executive to enter into indemnity agreements with building societies) paragraph (7) is revoked.

Companies (Northern Ireland) Order 1990

38.—(1) The Companies (Northern Ireland) Order 1990(**41**) is amended as follows.

(2) In Schedule 14 (supervisory and qualifying bodies: restrictive practices) paragraph 10 is revoked.

Companies (No. 2) (Northern Ireland) Order 1990

39.—(1) The Companies (No. 2) (Northern Ireland) Order 1990(**42**) is amended as follows.

(2) In Schedule 3 (“subsidiary” and related expressions: consequential amendments and savings) paragraph 6 is revoked.

Roads (Northern Ireland) Order 1993

40.—(1) The Roads (Northern Ireland) Order 1993(**43**) is amended as follows.

(2) In Article 32 (application of statutory provisions relating to monopolies, etc.) paragraphs 1(b) and (c) are revoked.

Airports (Northern Ireland) Order 1994

41.—(1) The Airports (Northern Ireland) Order 1994(**44**) is amended as follows.

(2) In Article 49 (restriction on disclosure of information) paragraphs 3(d) and (e) are revoked.

(39) 1967 c. 21 (N.I.).

(40) S.I. 1981/156 (N.I.3); Article 155A was inserted by paragraph 51(3) of Schedule 2 to the Housing (Consequential Provisions) Act 1985 (1985 c. 71); Article 156 was substituted by Article 87 of the Housing (Northern Ireland) Order 1983 (S.I. 1983/1118 (N.I.15)); and Article 156(7) was inserted by paragraph 51(4) of Schedule 2 to the Housing (Consequential Provisions) Act 1985.

(41) S.I. 1990/593 (N.I.5).

(42) S.I. 1990/1504 (N.I.10).

(43) S.I. 1993/3160 (N.I.15).

(44) S.I. 1994/426 (N.I.1).

Gas (Northern Ireland) Order 1996

42.—(1) The Gas (Northern Ireland) Order 1996⁽⁴⁵⁾ is amended as follows.

(2) Article 41 (exclusion of certain agreements from the Restrictive Trade Practices Act 1976) is revoked.

Producer Responsibility Obligations (Northern Ireland) Order 1998

43.—(1) The Producer Responsibility Obligations (Northern Ireland) Order 1998⁽⁴⁶⁾ is amended as follows.

(2) In article 4 (producer responsibility: supplementary obligations) paragraph (1)(n) is revoked.

Consequential Amendments: Scotland

Housing (Scotland) Act 1987

44.—(1) The Housing (Scotland) Act 1987⁽⁴⁷⁾ is amended as follows.

(2) In section 227 (modifications of building society law and disapplication of provisions of the Restrictive Trade Practices Act 1976 in relation to assistance for first-time buyers) subsection (2) (b) is repealed.

(3) Section 228 (exclusion of Restrictive Trade Practices Act 1976:— agreements as to loans on security of new houses) is repealed.

(4) In section 229 (local authority indemnities for building societies, etc.) subsection (5) is repealed.

10th February 2000

Kim Howells,
Parliamentary Under Secretary of State for
Consumers and Corporate Affairs,
Department of Trade and Industry

⁽⁴⁵⁾ S.I. 1996/225 (N.I.2).

⁽⁴⁶⁾ S.I. 1998/1762 (N.I.16).

⁽⁴⁷⁾ 1987 c. 26.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional, consequential and supplemental provisions in connection with the commencement on 1st March 2000 of the majority of the provisions of the Competition Act 1998 not previously commenced by the Competition Act 1998 (Commencement No. 5) Order 2000 (S.I.2000/00).

Article 2 provides that the Director General of Fair Trading may in certain circumstances terminate the transitional period in respect of an agreement which is excluded from the Chapter I prohibition by virtue of any provisions of the Competition Act 1998 (Land and Vertical Agreements Exclusion) Order 2000.

Article 3 makes a transitional provision in respect of sections 44 and 45 of the Patents Act 1977 with the effect that section 44 shall continue to apply in respect of any agreement made before the starting date and section 45 shall continue to apply where an application is made or notice given under that section before the starting date; sections 44 and 45 of the Patents Act being repealed by section 70 of the Competition Act 1998.

Article 4 makes a transitional provision for gateways for the disclosure of information for the purposes of functions or continuing proceedings under the Restrictive Trade Practices Act 1976 or the Resale Prices Act 1976, notwithstanding the repeal of provisions in other Acts which allowed the disclosure of such information. In the Order, disclosure gateways are repealed by articles 9(5), 13, 20, 25, 26(3), 32 and 35.

Articles 5, 22 and 27 make consequential amendments by repealing the references to the Competition Act 1980 from the following Acts: the Agricultural Marketing Act 1958, the Copyright, Designs and Patents Act 1988 and the New Roads and Street Works Act 1991; the relevant sections of the Competition Act 1980 being repealed by section 17 of the Competition Act 1998.

Article 6 makes a consequential amendment to the Cereals Marketing Act 1965 which removes from the Home Grown Cereals Authority its exclusion from the Restrictive Trade Practices Act 1976 and brings the authority within the scope of the Chapter I prohibition in the Competition Act 1998; the 1976 Act being repealed by section 1(b) of the 1998 Act.

Article 7 makes a consequential amendment to the Agriculture Act 1967 which removes the Secretary of State's power to direct that agreements entered into by the Meat and Livestock Commission in connection with a development scheme should not be subject to the terms of the Restrictive Trade Practices Act 1976; the 1976 Act being repealed by section 1(b) of the Competition Act 1998.

Article 8 makes a consequential amendment to the Agriculture (Miscellaneous Provisions) Act 1968 which removes from the agricultural marketing boards their exclusion from the Restrictive Trade Practices Act 1976 and brings the boards within the scope of the Chapter I prohibition; the 1976 Act being repealed by section 1(b) of the Competition Act 1998.

Article 9 makes a consequential amendment to the Fair Trading Act 1973 allowing for a dissenting report of the Commission to be given; Schedule 3 to the 1973 Act being repealed by section 74 of the Competition Act 1998. It further makes consequential amendments by repealing the references to sections 4, 9 or 10 of the Competition Act 1980 and the Restrictive Trade Practices Act 1976 from the 1973 Act; those sections and the 1976 Act being repealed by sections 17 and 1(b) of the Competition Act 1998 respectively. It further makes consequential amendments to the 1973 Act with the effect that information cannot be disclosed for the purposes of functions or proceedings under the

Restrictive Trade Practices Acts 1956 or 1968. Disclosure can additionally be made for the purposes of proceedings under the Competition Act 1998.

Article 10 makes a consequential repeal of the Participation Agreements Act 1978, which excluded from the provisions of the Restrictive Trade Practices Act 1976 agreements between the British Government and British National Oil Corporation for certain activities related to petroleum; the 1976 Act being repealed by section 1(b) of the Competition Act 1998.

Articles 11, 14 to 16, 18 to 20, 23 to 25, 26(3), 27, 35, 37, 39, 40, 42 and 44 make consequential amendments by repealing or revoking references to the Restrictive Trade Practices Act 1976 in the following Acts or Orders: the Competition Act 1980, the Transport Act 1985, the Housing Act 1985, the Housing Associations Act 1985, the Gas Act 1986 (the provision being preserved for a transitional period), the Insolvency Act 1986 (save for the definition of insolvency), the Financial Services Act 1986, the Electricity Act 1989 (the provision being preserved for a transitional period), the Companies Act 1989, the Courts and Legal Services Act 1990, the Broadcasting Act 1990, the New Roads and Street Works Act 1991, the Greater London Authority Act 1999, the Housing (Northern Ireland) Order 1981, the Companies (No. 2) (Northern Ireland) Order 1990, the Roads (Northern Ireland) Order 1993, the Gas (Northern Ireland) Order 1996 (the provision being preserved for a transitional period) and the Housing (Scotland) Act 1987; the 1976 Act being repealed by section 1(b) of the Competition Act 1998.

Article 12 makes a consequential amendment to remove the exclusion from the Restrictive Trade Practices Act 1976 applied under the Merchant Shipping (Liner Conferences) Act 1982; the 1976 Act being repealed by section 1(b) of the Competition Act 1998. An agreement under that section of the 1982 Act is not unenforceable by virtue of any rule of law about unreasonable restraint of trade.

Article 13 makes consequential amendments by repealing the entries for the Restrictive Trade Practices Act 1976 and the Monopolies and Mergers Commission in the Insurance Companies Act 1982; the 1976 Act being repealed by section 1(b) and the Monopolies and Mergers Commission having been dissolved and its functions transferred to the Competition Commission by section 45 of the Competition Act 1998. It further amends the 1982 Act to allow information that is confidential under that Act to be disclosed for the purposes of facilitating the functions of specified persons under the 1998 Act.

Articles 17, 32 and 41 make consequential amendments by repealing the entries for the Restrictive Trade Practices Act 1976 and the Resale Prices Act 1976 from the following pieces of legislation: the Airports Act 1986, the EC Competition Law (Articles 88 and 89) Enforcement Regulations 1996 and the Airports (Northern Ireland) Order 1994; the 1976 Acts being repealed by sections 1(b) and (c) of the Competition Act 1998.

Article 21 makes a consequential amendment by repealing entries to the Restrictive Trade Practices Act 1976 in the Channel Tunnel Act 1987; the 1976 Act being repealed by section 1(b) of the Competition Act 1998 and the Orders referred to in section 33(5) of the 1987 Act ceasing to have effect pursuant to paragraph 9(1)(a) of Schedule 13 to the 1998 Act.

Articles 24, 30 and 38 make consequential amendments by repealing or revoking the entry to and removing the exclusion of relevant agreements from the Competition Act 1980 in the Companies Act 1989, the Uncertificated Securities Regulations 1995 and the Companies (Northern Ireland) Order 1990; the relevant provisions of the 1980 Act being repealed by section 17 of the Competition Act 1998.

Article 26(2) makes a consequential amendment by repealing the entry for the Restrictive Trade Practices Act 1976 from the Broadcasting Act 1990 with the effect that the exclusion applicable to networking agreements is removed; the 1976 Act being repealed by section 1(b) of the Competition Act 1998.

Articles 28 and 43 make consequential amendments by repealing the entry for the Restrictive Trade Practices Act 1976 from the Environment Act 1995 and the Producer Responsibility Obligations (Northern Ireland) Order 1998 with the effect that the possibility to modify or exclude the application

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of the 1976 Act to the described agreements is removed; the 1976 Act being repealed by section 1(b) of the Competition Act 1998.

Articles 29 and 34 make consequential amendments to the Gas Act 1995 and the Petroleum Act 1998 respectively by repealing references to section 62 of the Gas Act 1986, the provisions being saved for a transitional period. Section 62 of the 1986 Act excludes certain agreements from the Restrictive Trade Practices Act 1976 and is repealed by Article 18(2) of this Order; the 1976 Act being repealed by section 1(b) of the Competition Act 1998.

Article 30 makes a consequential amendment by revoking the entry for the Restrictive Trade Practices Act 1976 from the Uncertificated Securities Regulations 1995 with the effect that the exclusion of agreements between Operators from the application of the 1976 Act is removed; the 1976 Act being repealed by section 1(b) of the Competition Act 1998.

Article 31 makes a consequential amendment by repealing the entry for the Restrictive Trade Practices Act 1976 from the Channel Tunnel Rail Link Act 1996 with the effect that the exclusion of development agreements from the application of the 1976 Act is removed; the 1976 Act being repealed by section 1(b) of the Competition Act 1998.

Article 33 makes a consequential amendment by repealing the entry for the Restrictive Trade Practices Act 1976 from the Plant Varieties Act 1997 with the effect that the exclusion of the grants and assignments of licences of breeders' rights specified in the 1997 Act from the 1976 Act is removed; the 1976 Act being repealed by section 1(b) of the Competition Act 1998.

Article 36 makes a consequential amendment in the Livestock Marketing Commission Act (Northern Ireland) 1967 which removes the power of the Department of Agriculture and Rural Development in Northern Ireland to direct that agreements entered into by the Commission in connection with a development scheme should not be subject to the provisions of the Restrictive Trade Practices Act 1976; the 1976 Act being repealed by section 1(b) of the Competition Act 1998.