STATUTORY INSTRUMENTS

2015 No. 1587

COMPETITION

The Competition Act 1998 (Redress Scheme) Regulations 2015

Made - - - -	*4th August 2015*
Laid before Parliament	*5th August 2015*
Coming into force - -	*1st October 2015*

The Secretary of State, in exercise of the powers conferred by sections 49C(8) and 71(3)(b) of the Competition Act 1998(**1**) and section 14A of the Interpretation Act 1978(**2**), makes the following Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Competition Act 1998 (Redress Scheme) Regulations 2015.

(2) These Regulations come into force on 1st October 2015.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Competition Act 1998; and

"applicant" means a person making an application to the CMA for approval of a redress scheme under section 49C of the Act.

(2) Any reference in these Regulations to the CMA means the CMA or a regulator.

Application for approval of a redress scheme

3. An application to the CMA for approval of a redress scheme under section 49C of the Act must be made in writing and must contain a summary of the scheme.

Approval of redress scheme

4.—(1) Subject to paragraph (2), the CMA may approve a redress scheme under section 49C of the Act only if it—

(**1**) 1998 c.41; section 49C was inserted by paragraph 12 of Schedule 8 to the Consumer Rights Act 2015 (c.15).
(**2**) 1978 c.30; section 14A was inserted by section 59(2) of the Enterprise and Regulatory Reform Act 2013 (c.24).

(a) has been devised in accordance with the process specified in regulation 5;

(b) contains all of the information required by regulation 6; and

(c) contains all of the terms required by regulation 7.

(2) Paragraph (1) does not apply where the CMA approves a redress scheme at the same time as making the infringement decision to which the scheme relates; but the CMA may only approve a scheme in such cases if—

(a) the applicant has provided information to the CMA about the time when, and how, the scheme will comply with the requirements in paragraphs (1)(a), (b) and (c); and

(b) the CMA is satisfied that any conditions imposed under section 49C(4) or (5)(a) of the Act will ensure that the scheme will comply with those requirements within a period of time specified in those conditions.

Process for devising a redress scheme

5.—(1) For the purposes of regulation 4, the process for devising a redress scheme is as follows.

(2) The scheme must be devised by—

(a) the person appointed by the applicant to be the chairperson of the scheme ("the chairperson"); and

(b) the persons appointed by the chairperson to constitute the board of the scheme ("the board").

(3) A person may only be appointed as the chairperson of the scheme if that person—

(a) satisfies the judicial-appointment eligibility condition on a five-year basis, or is an advocate or solicitor in Scotland of at least five years' standing, or is a member of the Bar of Northern Ireland or solicitor of the Court of Judicature of Northern Ireland of at least five years' standing; and

(b) does not have any interests which conflicts with the interests of the applicant or any person who may seek compensation under the scheme.

(4) A person may only be appointed to the board if that person does not have any interests which conflicts with the interests of the applicant or any person who may seek compensation under the scheme.

(5) The board appointed by the chairperson must comprise—

(a) an economist with appropriate experience and knowledge of competition economics to be able to consider the redress scheme;

(b) a person with experience of the industry of the applicant;

(c) a person who is able to represent the interests of those who may be entitled to compensation under the redress scheme; and

(d) any other person considered suitable by the chairperson.

(6) The scheme must be recommended by the chairperson to the CMA for approval, and the chairperson may only make such a recommendation if—

(a) the chairperson and the board have considered the relevant matters; and

(b) the majority of the persons comprising the chairperson and the board agree that it should be recommended for approval by the CMA.

(7) In this regulation, "the relevant matters" means—

(a) evidence of loss caused to persons entitled to compensation relating to the infringement decision;