Draft Order laid before Parliament under sections 36(8) and 71 of the Competition Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2004 No.

COMPETITION

The Competition Act 1998 (Determination of Turnover for Penalties) (Amendment) Order 2004

Made - - - -	*2004*
Coming into force - -	*1st May 2004*

Whereas the Secretary of State laid a draft of this Order before Parliament on 31st March 2004;

And whereas the said draft as so laid has been approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State in exercise of the powers conferred on her by sections 36(8) and 71 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 (Determination of Turnover for Penalties) (Amendment) Order 2004 and shall come into force on 1st May 2004.

Amendment of the 2000 Order

2.—(1) The Competition Act 1998 (Determination of Turnover for Penalties) Order 2000(**2**) is amended as follows.

(2) In article 2(1), the definition of "length of the infringement" shall cease to have effect.

(3) For article 3, substitute the following—

"The turnover of an undertaking for the purposes of section 36(8) is the applicable turnover for the business year preceding the date on which the decision of the OFT is taken or, if figures are not available for that business year, the one immediately preceding it.".

(4) In the Schedule—

(a) in paragraph 1(1), the definition of "branch" shall cease to have effect;

(b) in paragraph 3, the words "to undertakings or consumers in the United Kingdom" shall cease to have effect;

(**1**) 1998 c. 41.
(**2**) S.I. 2000/309 (as amended by S.I. 2000/2952 and S.I. 2002/765).