

Island of



Guernsey

Ordinance of the States

IV
2014

Made 29th January, 2014

Coming into Operation 1st February, 2014

Competition (Guernsey) **(Amendment) Ordinance, 2014**

The Competition (Guernsey) (Amendment) Ordinance, 2014

THE STATES, in pursuance of their Resolution of the 25th September, 2013^a, and in exercise of the powers conferred on them by sections 1, 5 and 6 of the Competition (Enabling Provisions) (Guernsey) Law, 2009^b and all other powers enabling them in that behalf, hereby order:-

Amendment of 2012 Ordinance.

1. The Competition (Guernsey) Ordinance, 2012^c is amended as follows.

2. In section 22 -

- (a) the existing text is numbered as subsection "(1)", and
- (b) after subsection (1), as so numbered, insert the following subsection -

"(2) The Authority may also conduct an investigation into any business, undertaking or market in Guernsey, or any matter concerning competition or to which the Authority's functions relate, and exercise the powers conferred by this Part of this Ordinance, where it has reasonable grounds to do so in order to comply with a request made by the Department

^a Article VII of Billet d'État No. XVIII [Vol. 1] of 2013.

^b Order in Council No. XV of 2009; amended by the Guernsey Competition and Regulatory Authority Ordinance, 2012 (Ordinance No. XIII of 2012).

^c Ordinance No. XXXI of 2012.

for a report, market study or other document, advice, assistance or information.".

3. In section 23(1) -

- (a) the words "suspected of a contravention described in section 22" are repealed, and
- (b) for the words "investigating the suspected contravention" substitute "the investigation under section 22(1) or (2)".

4. In section 23(2) -

- (a) the words "suspected of a contravention described in section 22" are repealed, and
- (b) for the words "investigating the suspected contravention" substitute "the investigation under section 22(1) or (2)".

5. In section 23(4)(a) for the words "investigating the suspected contravention" substitute "the investigation under section 22(1) or (2)".

6. In section 23(6)(a) for the words "the undertaking suspected of the contravention" substitute "an undertaking being investigated under section 22(1) or (2)".

7. In section 24(c)(iii) for the words "the investigation of the suspected contravention" substitute "the investigation under section 22(1) or (2)".

8. In section 25(4) for the words "under this section" substitute "granted under section 24".

9. In section 26(1)(b) after the words "a suspected contravention of this Ordinance" insert "or for the purposes of an investigation under section 22(1) or (2)".

10. In section 26(4)(a) after "the investigation" insert "under section 22(1) or (2)".

11. In section 27(1)(a) for "the undertaking suspected of the contravention described in section 22" substitute "an undertaking being investigated under section 22(1) or (2)".

12. In section 27(1)(b) for "the undertaking suspected of the contravention" substitute "an undertaking being investigated under section 22(1) or (2)".

13. In section 28(1)(b)(i) for the words "an investigation into a contravention described in section 22" substitute "an investigation under section 22(1) or (2)".

14. In section 28(5)(a) for the words "an investigation into a contravention described in section 22" substitute "an investigation under section 22(1) or (2)".

15. In section 30(6), in paragraph (a) of the definition of "relevant power", for the words "the investigation of a suspected contravention described in section 22" substitute "an investigation under section 22(1) or (2)".

16. In section 35(1) for the words "if the Authority has not completed an investigation under section 22" substitute "whether or not the Authority has completed an investigation under section 22(1) or (2)".

17. In section 37(4) for the words "his opinion" substitute "its opinion".

18. In section 37(7)(c) for the words "his decision" substitute "its decision".

19. After section 37(9)(b) insert the following paragraph -

"or

(c) it does so in order to comply with a request made by the Department under section 22(2) for a report, market study or other document, advice, assistance or information."

20. In section 46(1)(e) for "section 22" substitute "section 22(1) or (2)".

21. In section 50(1)(b)(ii) for "section 22" substitute "section 22(1) or (2)".

22. In section 60(1) in the definition of "market in Guernsey" for the words "goods and services" where first appearing substitute "goods or services".

Citation.

23. This Ordinance may be cited as the Competition (Guernsey) (Amendment) Ordinance, 2014.

Commencement.

24. This Ordinance shall come into force on the 1st February, 2014.

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