



Number 12 of 2010

COMPETITION (AMENDMENT) ACT 2010

ARRANGEMENT OF SECTIONS

Section

1. Definition.
 2. Amendment of section 35 of Principal Act.
 3. Short title and collective citation.
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[No. 12.] *Competition (Amendment) Act 2010.* [2010.]

ACTS REFERRED TO

Competition Act 2002

2002, No. 14

Competition Acts 2002 and 2006



Number 12 of 2010

COMPETITION (AMENDMENT) ACT 2010

AN ACT TO AMEND THE COMPETITION ACT 2002; AND TO
PROVIDE FOR MATTERS CONNECTED THEREWITH.

[19th June, 2010]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act “Principal Act” means the Competition Act 2002. Definition.

2.—Section 35 of the Principal Act is amended by—

Amendment of
section 35 of
Principal Act.

(a) the insertion of the following subsection after subsection (2):

“(2A) (a) If a member of the Authority dies, retires, resigns, ceases to be qualified for office and ceases to hold office, is removed from office or otherwise ceases to be a member of the Authority, the Minister may, subject to subsections (4) and (5) (inserted by *section 2* of the *Competition (Amendment) Act 2010*), appoint a person to be a member of the Authority to fill the vacancy so occasioned.

(b) Paragraph (a) shall not operate to prevent the appointment of a person to be a member of the Authority under subsection (1)(a) to fill a vacancy occasioned by any of the circumstances referred to in the said paragraph (a).”

(b) the substitution of the following subsection for subsection (4):

“(4) Subsection (3) does not apply to—

(a) an appointment under paragraph (b) or (c) of subsection (1) or the reappointment under that subsection of a person as a member of the Authority (including a person who was a member of the Authority immediately before the passing of the *Competition (Amendment) Act 2010*), or

- (b) an appointment under subsection (2A) (inserted by *paragraph (a)* of *section 2* of the *Competition (Amendment) Act 2010*) of a person as a member of the Authority.”,
- (c) the substitution of the following subsection for subsection (5):

“(5) An appointment under paragraph (b) or (c) of subsection (1) or subsection (2A) shall not be made unless the person who the Minister proposes to appoint possesses, in the opinion of the Minister, sufficient expertise in, or experience of, one or more of the following areas, namely, law, economics, public administration, consumer affairs, or business generally.”,

- (d) the insertion of the following subsections after subsection (6):

“(6A) Notwithstanding subsection (6), a person appointed to be a member of the Authority under subsection (2A) shall, subject to subsection (6B) (inserted by *paragraph (d)* of *section 2* of the *Competition (Amendment) Act 2010*), hold office for such period not exceeding 6 months as the Minister may determine commencing on the date of his or her appointment.

(6B) The Minister may extend a period of appointment under subsection (6A) for—

- (a) such period not exceeding 6 months as he or she may determine, or
- (b) such periods, the aggregate of which shall not exceed 6 months, as he or she may determine.”,

and

- (e) the insertion of the following subsection after subsection (7):

“(7A) A person appointed to be a member of the Authority under subsection (2A) shall, subject to section 36, be eligible to be appointed to be a member of the Authority under subsection (1), upon the expiration of—

- (a) the period referred to in subsection (6A), or
- (b) that period as extended under subsection (6B),

as may be appropriate, unless he or she was removed from office pursuant to subsection (12).”.

Short title and
collective citation.

3.—(1) This Act may be cited as the *Competition (Amendment) Act 2010*.

(2) The *Competition Acts 2002* and *2006* and this Act may be cited together as the *Competition Acts 2002 to 2010*.