

Competition (Financial Penalties) Order 2007

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THE SCHEDULE Applicable Turnover

No. S 372

COMPETITION ACT (CHAPTER 50B)

COMPETITION (FINANCIAL PENALTIES) ORDER 2007

In exercise of the powers conferred by section 69(4) of the Competition Act, the Minister for Trade and Industry hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Competition (Financial Penalties) Order 2007 and shall come into operation on 11th July 2007.

Definitions

2. In this Order —

“applicable turnover” means the turnover of an undertaking for a business year determined in accordance with the Schedule, and where a business year does not equal 12 months, the applicable turnover shall be the amount which bears the same proportion to the applicable turnover during that business year as 12 months does to that period;

“business year” means a period of more than 6 months in respect of which an undertaking publishes accounts or, if no such accounts have been published for the period, prepares accounts;

[S 219/2010 wef 19/04/2010]

“financial penalty” means a financial penalty imposed by the Commission under section 69(2)(d) of the Act.

[S 219/2010 wef 19/04/2010]

Determination of turnover for calculation of financial penalties

3.—(1) The turnover of an undertaking for the purposes of section 69(4) of the Act is the applicable turnover for the business year preceding the date on which the decision of the Commission is taken or, if figures are not available for that business year, the business year immediately preceding it.

(2) Where, in the application of sub-paragraph (1), there is any period in respect of which there is no preceding business year, then the applicable turnover shall be the turnover for that period.

Payment of financial penalty by instalments

4. Where a person on whom a financial penalty has been imposed is allowed by the Commission, on or after 19th April 2010, to pay the financial penalty by instalments, the amount of each such instalment shall be calculated in accordance with the formula:

$$\frac{[1 + (5\% \times A)] \times B}{C}$$

where —

A is the duration of the instalment plan in years or a fraction of a year (for example, A = 2 if the duration of the instalment plan is 2 years, and 0.5 if the duration of the instalment plan is 6 months);

B is the amount of the financial penalty imposed; and

C is the number of instalments allowed under the instalment plan.

Interest on late payment of financial penalty