The role of the Deputy Chairman within the Competition Commission

Appointment

1. Under the Competition Act 1998, the Secretary of State may appoint one or more reporting panel members to act as Deputy Chairman.

2. A Deputy Chairman is appointed for a period of up to eight years, taking into account any previous period as a reporting panel member of the Competition Commission (CC). The appointment is made in accordance with guidance issued by the Commissioner for Public Appointments. Their remuneration is determined by the Secretary of State for the Department of Business, Innovation and Skills (BIS).

Strategic leadership

3. Each Deputy Chairman is a Member of CC's Council.

4. Details of the role of Council can be found in the 'Competition Commission Council: Terms of Reference' and associated annexes and the 'Competition Commission: Framework Document' specifically paragraphs 2.2, 2.4 and 5.1 to 5.8 inclusive.

5. As a reporting panel member a Deputy Chairman is also required to adhere to the requirements of section 7 of the Framework Document, Reporting and Specialist Panel Members including complying with the CC's Code of Practice for Reporting Panel Members and Specialist Panel Members.

6. A Deputy Chairman may also be appointed by the Chairman to a number of Groups or Committees that support the Council in fulfilling its role (for example and including the Remuneration Committee, the Analysis Group and the Remedies Standing Group).

7. If the Chairman is absent or otherwise unable to act, or there is no Chairman, any of his functions may be performed –
   a) if there is one Deputy Chairman by him or her;
   b) if there is more than one –
      i. by the Deputy Chairman designated by the Secretary of State; or
      ii. if no such designation has been made, by the Deputy Chairman designated by the Deputy Chairmen;
   c) if there is no Deputy Chairman able to act –
      i. by the Member designated by the Secretary of State; or
      ii. if no such designation has been made; by the Member designated by the CC acting through its Council.

Inquiry Groups

8. Except where the Chairman has power to act on his own, the general function of the Commission (i.e. the carrying out of inquiries) must be performed through a Group selected for the purpose by the Chairman.

9. The Group must consist of at least three Members one of whom may be the Chairman.

10. The Chairman must appoint one of the members of the Group to act as Chairman of the Group; this role is usually undertaken by the Chairman or a Deputy Chairman.

11. The Chairman of the Group has the casting vote on any question to be decided by the Group.

12. Separate Guidance on how the CC carries out its inquiry work is included in:

- CC1 The Commission Rules of Procedure
- CC2 Merger References: Competition Commission Guidelines
- CC3 Market Investigation References: Competition Commission Guidelines
- CC4 General Advice and Information
- CC5 Statement of Policy on Penalties
- CC6 Chairman's Guidance to Groups
- CC7 Chairman's Guidance on Disclosure of Information in Merger and Market Inquiries
- CC8 Merger Remedies: Competition Commission Guidelines
- CC9 Water Merger References; Competition Commission CC10 Competition Commission: The Energy Code Modification Rules
- CC11 Guide to Appeals in Energy Code Modification Cases
- CC12 Disclosure of information by the Competition Commission to other public authorities