

**No. 4/21**

Under the Competition and Fair-Trading Act (“Act”), the Competition Commission (“Commission”) has the powers to investigate and come up with a decision or an order without arranging for an oral hearing. A decision of the Commission can be registered as a decision of the High Court. The only way the decision of the Commission can be set aside is through an appeal to a Judge in Chambers. An investigation of the Commission therefore should be taken very seriously. It is important that a party that may or has been affected by an investigation of the Commission is aware of the following provisions of the Act:

1. Section 10(2) provides that a party that may be affected by an investigation can make a written request for an oral hearing. The said section provides that the affected party is supposed to show that he is an interested party likely to be affected by the results of the investigation or that there are particular reasons why he should be heard orally. This request is supposed to be made as soon as the Commission has initiated the investigations.
2. According to section 40, an order of the Commission can be registered as a Judgment of the High Court by the Commission or any person in whose favour or for whose benefit an order has been made. Once registered, the order of the Commission can be enforced like any other civil judgment of the High Court.
3. Section 48 of the Act provides that an appeal against a decision of the Commission is supposed to be brought before a Judge in Chambers within 15 days from the date of the decision.

July 2021