

SCHEDULES

SCHEDULE 9

CERTAIN AMENDMENTS OF SECTORAL ENACTMENTS

PART 1

POWER OF ENFORCEMENT ORDERS TO AMEND LICENCE CONDITIONS ETC.

Railways Act 1993 (c. 43)

10 (1) Section 16 of the Railways Act 1993 (modification of licence conditions by order) shall be amended as follows.

(2) For subsections (1) and (2) there shall be substituted—

“(1) Where the OFT, the Competition Commission or (as the case may be) the Secretary of State (in this section “the relevant authority”) makes a relevant order, the order may also provide for the modification of the conditions of a licence to such extent as may appear to the relevant authority to be requisite or expedient for the purpose of giving effect to, or taking account of, any provision made by the order.

(2) In subsection (1) above “relevant order” means—

(a) an order under section 75, 83 or 84 of, or paragraph 5, 10 or 11 of Schedule 7 to, the Enterprise Act 2002 where—

(i) one or more than one of the enterprises which have, or may have, ceased to be distinct enterprises was engaged in the supply of services relating to railways; or

(ii) one or more than one of the enterprises which will or may cease to be distinct enterprises is engaged in the supply of services relating to railways; or

(b) an order under section 160 or 161 of that Act where the feature, or combination of features, of the market in the United Kingdom for goods or services which prevents, restricts or distorts competition relates to the supply of services relating to railways.”

(3) In subsection (3) for the words “Secretary of State” there shall be substituted “relevant authority”.

(4) For subsection (5) there shall be substituted—

“(5) Expressions used in subsection (2) above and in Part 3 or (as the case may be) Part 4 of the Enterprise Act 2002 have the same meanings in that subsection as in that Part; and in subsection (2) above “services relating to railways” has the same meaning as in section 67(2A) of this Act.”