

## SCHEDULES

### SCHEDULE 9

#### CERTAIN AMENDMENTS OF SECTORAL ENACTMENTS

#### PART 2

#### APPLICATION OF PART 4 OF THIS ACT TO SECTORAL REGULATORS

#### *Gas Act 1986 (c. 44)*

- 17 (1) Section 36A of the Gas Act 1986 (application of monopoly provisions etc. to the Gas and Electricity Markets Authority) shall be amended as follows.
- (2) For subsection (2) (monopoly functions to be exercisable concurrently by the Gas and Electricity Markets Authority) there shall be substituted—
- “(2) The functions to which subsection (2A) below applies shall be concurrent functions of the Authority and the Office of Fair Trading.
- (2A) This subsection applies to the functions of the Office of Fair Trading under Part 4 of the Enterprise Act 2002 (other than sections 166 and 171) so far as relating to commercial activities connected with the carrying on of activities to which this subsection applies.
- (2B) So far as necessary for the purposes of, or in connection with, subsections (2) and (2A) above, references in Part 4 of the Act of 2002 to the Office of Fair Trading (including references in provisions of that Act applied by that Part) shall be construed as including references to the Authority (except in sections 166 and 171 of that Act and in any other provision of that Act where the context otherwise requires).”
- (3) In subsection (4) for the word “(2)” there shall be substituted “(2A)”.
- (4) For subsection (5) there shall be substituted—
- “(5) Before the Office of Fair Trading or the Authority first exercises in relation to any matter functions which are exercisable concurrently by virtue of subsection (2) above, it shall consult the other.
- (5A) Neither the Office of Fair Trading nor the Authority shall exercise in relation to any matter functions which are exercisable concurrently by virtue of subsection (2) above if functions which are so exercisable have been exercised in relation to that matter by the other.”
- (5) In subsection (7) for the words “Part IV or section 86 or 88 of the 1973 Act” there shall be substituted “Part 4 of the Enterprise Act 2002”.
- (6) For subsection (8) there shall be substituted—

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*Status: This is the original version (as it was originally enacted).*

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“(8) Section 117 of the Enterprise Act 2002 (offences of supplying false or misleading information) as applied by section 180 of that Act shall have effect so far as relating to functions exercisable by the Authority by virtue of subsection (2) above as if the references in section 117(1)(a) and (2) to the Office of Fair Trading included references to the Authority.”

(7) Subsection (9) shall cease to have effect.

(8) In subsection (10) for the words “mentioned in subsection (2) or (3) above” there shall be substituted “exercisable by the Authority by virtue of subsection (2) or (3) above”.