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## SCHEDULES

### SCHEDULE 2

#### COMPETITION TEST: AMENDMENTS OF SCHEDULE 10 TO THE TRANSPORT ACT 2000

##### *Test for the exercise of functions by local authorities*

- 2 For the italic heading preceding paragraph 1 substitute— “ Part 1 Test for exercise of bus functions by local authorities Functions to which this Part of this Schedule applies ”.

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**Commencement Information**

- I1** Sch. 2 para. 2 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1  
**I2** Sch. 2 para. 2 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(d)

- 3 (1) Paragraph 1 (functions to which Schedule 10 applies) is amended as follows.
- (2) In sub-paragraph (1) after “The functions to which” insert “ this Part of ”.
- (3) In sub-paragraph (2)—
- (a) after “For the purposes of” insert “ this Part of ”;
- (b) after “a function to which” insert “ this Part of ”.

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**Commencement Information**

- I3** Sch. 2 para. 3 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1  
**I4** Sch. 2 para. 3 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(d)

- 4 (1) Paragraph 2 (competition test) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) after “For the purposes of” insert “ this Part of ”;
- (b) after “a function to which” insert “ this Part of ”.
- (3) In sub-paragraph (3)(b) omit “substantial”.

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**Commencement Information**

- I5** Sch. 2 para. 4 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1  
**I6** Sch. 2 para. 4 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(d)

- 5 Omit paragraphs 3 and 4.

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- I7** Sch. 2 para. 5 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), **Sch. 2 Pt. 1**  
**I8** Sch. 2 para. 5 in force at 1.4.2009 for W. by S.I. 2009/579, **art. 2(d)**

- 6 In paragraph 5 (investigation by OFT)—  
 (a) for “the OFT” substitute “the Office of Fair Trading (in this Schedule referred to as “the OFT”);  
 (b) after “a function to which” insert “ this Part of ”.

**Commencement Information**

- I9** Sch. 2 para. 6 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), **Sch. 2 Pt. 1**  
**I10** Sch. 2 para. 6 in force at 1.4.2009 for W. by S.I. 2009/579, **art. 2(d)**

- 7 In paragraph 10 (decisions) omit paragraph (a).

**Commencement Information**

- I11** Sch. 2 para. 7 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), **Sch. 2 Pt. 1**  
**I12** Sch. 2 para. 7 in force at 1.4.2009 for W. by S.I. 2009/579, **art. 2(d)**

- 8 Omit paragraph 11.

**Commencement Information**

- I13** Sch. 2 para. 8 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), **Sch. 2 Pt. 1**  
**I14** Sch. 2 para. 8 in force at 1.4.2009 for W. by S.I. 2009/579, **art. 2(d)**

- 9 In paragraph 12(1) (enforcement of decision) after “a function to which” insert “ this Part of ”.

**Commencement Information**

- I15** Sch. 2 para. 9 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), **Sch. 2 Pt. 1**  
**I16** Sch. 2 para. 9 in force at 1.4.2009 for W. by S.I. 2009/579, **art. 2(d)**

- 10 In paragraph 13(1) (restriction on disclosure of information) after “its functions under” insert “ this Part of ”.

**Commencement Information**

- I17** Sch. 2 para. 10 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), **Sch. 2 Pt. 1**  
**I18** Sch. 2 para. 10 in force at 1.4.2009 for W. by S.I. 2009/579, **art. 2(d)**

- 11 In paragraph 14 (offence of disclosing information) after “its functions under” (in both places) insert “ this Part of ”.

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#### Commencement Information

**I19** Sch. 2 para. 11 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

**I20** Sch. 2 para. 11 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(d)

12 After paragraph 14 insert—

#### *“Advice and information*

14A (1) As soon as is reasonably practicable after the passing of the Local Transport Act 2008, the OFT must prepare and publish advice and information about—

- (a) the application of the competition test,
- (b) the enforcement of decisions regarding that test.

(2) The OFT may at any time publish revised, or new, advice or information.

(3) Advice and information published under this paragraph must be prepared with a view to—

- (a) explaining provisions of this Part of this Schedule to persons who are likely to be affected by them, and
- (b) indicating how the OFT expects such provisions to operate.

(4) Advice (or information) published by virtue of sub-paragraph (3)(b) may include advice (or information) about the factors which the OFT may take into account in considering whether, and if so how, to exercise a power conferred on it by this Part of this Schedule.

(5) Any advice or information published by the OFT under this paragraph is to be published in such form and in such manner as it considers appropriate.

(6) If the OFT is preparing any advice or information under this paragraph it must consult such persons as it considers appropriate.”

#### Commencement Information

**I21** Sch. 2 para. 12 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

**I22** Sch. 2 para. 12 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(d)

13 In paragraph 15 (defamation)—

- (a) after “or notice given” insert “, and to any advice or information given,”;
- (b) after “its functions under” insert “ this Part of”.

#### Commencement Information

**I23** Sch. 2 para. 13 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

**I24** Sch. 2 para. 13 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(d)

14 (1) Paragraph 16 (fees) is amended as follows.

(2) In sub-paragraph (1) after “its functions under” insert “ this Part of”.

(3) Omit sub-paragraph (3).

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#### Commencement Information

- I25** Sch. 2 para. 14 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), **Sch. 2 Pt. 1**  
**I26** Sch. 2 para. 14 in force at 1.4.2009 for W. by S.I. 2009/579, **art. 2(d)**

**Changes to legislation:**

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**Commencement Orders yet to be applied to the Local Transport Act 2008**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/579 art. 2](#) commences (2008 c. 26)
- [S.I. 2009/3294 art. 2](#) commences (2008 c. 26)