
Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Cross Heading: Energy Act 2004 (c. 20). (See end of Document for details)

SCHEDULES

SCHEDULE 6

REGULATORY APPEALS ETC: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO ACTS

Energy Act 2004 (c. 20)

101 The Energy Act 2004 is amended as follows.

Commencement Information

I1 Sch. 6 para. 101 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

102 (1) Section 173 (appeals) is amended as follows.

(2) In subsection (1)—

(a) omit “shall lie to the Competition Commission”, and

(b) after “applies” insert “ shall lie to the Competition and Markets Authority (in this Chapter referred to as “the CMA”) ”.

(3) In subsections (4) and (5), for “Competition Commission” (in each place where it occurs) substitute “ CMA ”.

(4) In the heading, for “Competition Commission” substitute “ CMA ”.

Commencement Information

I2 Sch. 6 para. 102 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

103 (1) Section 174 (procedure on appeals) is amended as follows.

(2) Omit subsection (1).

(3) In subsection (2), omit “Instead.”.

(4) After subsection (2) insert—

“(2A) Except where specified otherwise in Schedule 22, the functions of the CMA with respect to appeals under section 173 are to be carried out on behalf of the CMA by a group constituted for the purpose by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013.”

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Commencement Information

I3 Sch. 6 para. 103 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 104 (1) Section 175 (determination of appeals) is amended as follows.
- (2) In subsections (2) to (6), for “Competition Commission” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (9)—
- (a) for “Competition Commission” substitute “CMA”, and
 - (b) for “the Commission” (in each place where it occurs) substitute “the CMA”.
- (4) In subsection (10), for “Competition Commission” substitute “CMA”.

Commencement Information

I4 Sch. 6 para. 104 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 105 Section 176 is omitted.

Commencement Information

I5 Sch. 6 para. 105 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 106 Section 177 is omitted.

Commencement Information

I6 Sch. 6 para. 106 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 107 (1) Schedule 22 (procedure for appeals under section 173) is amended as follows.
- (2) In paragraph 1—
- (a) in sub-paragraph (1), for “Commission” substitute “CMA”,
 - (b) in sub-paragraph (8), for “Commission's” substitute “CMA's”,
 - (c) in sub-paragraph (9)—
 - (i) for “Commission's” substitute “CMA's”, and
 - (ii) for “Commission” substitute “CMA”, and
 - (d) in sub-paragraph (12), for “the Commission must” substitute “an authorised member of the CMA must”.
- (3) In paragraph 2, in sub-paragraphs (1), (2), (5) and (6), for “Commission” (in each place where it occurs) substitute “CMA”.
- (4) In paragraph 3, in sub-paragraphs (1) and (5), for “Commission” (in each place where it occurs) substitute “CMA”.
- (5) In paragraph 4, in sub-paragraph (1), for “Commission” substitute “CMA”.
- (6) In paragraph 5—
- (a) omit sub-paragraph (1),

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- (b) in sub-paragraph (2)—
 - (i) after “group”, insert “ constituted by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 for the purpose of carrying out functions of the CMA with respect to an appeal under section 173 ”, and
 - (ii) for “Commission” substitute “ CMA panel ”,
 - (c) omit sub-paragraphs (3) to (7), and
 - (d) in sub-paragraph (8), for “a group” substitute “ the group ”.
- (7) In paragraph 6—
- (a) in sub-paragraph (1), for the words from the beginning to “that appeal” substitute “ The CMA must determine an appeal ”,
 - (b) in sub-paragraph (2)—
 - (i) for “group with the function of determining an appeal” substitute “ CMA ”, and
 - (ii) after “requirements” insert “ in respect of an appeal ”, and
 - (c) in sub-paragraph (3), for “Commission” substitute “ CMA ”.
- (8) In paragraph 7—
- (a) for “The group with the function of determining an appeal” substitute “ The CMA ”, and
 - (b) for “determination of the appeal” substitute “ determination of an appeal ”.
- (9) In paragraph 8—
- (a) in sub-paragraph (1), for “Commission” (in each place where it occurs) substitute “ CMA ”,
 - (b) in sub-paragraph (4)—
 - (i) for “The Commission may take copies” substitute “ An authorised member of the CMA may, for the purpose of the exercise of the functions of the CMA, make arrangements for copies to be taken ”, and
 - (ii) omit “to it”, and
 - (c) in sub-paragraph (5), for the words from “Commission's” to the end, substitute “ CMA's behalf by an authorised member of the CMA ”.
- (10) In paragraph 9—
- (a) in sub-paragraph (2), for “Commission” substitute “ CMA ”,
 - (b) in sub-paragraph (5)(a), for “the Commission is not required” substitute “ there is no requirement ”,
 - (c) in sub-paragraph (7), for “the Commission must pay him” substitute “ an authorised member of the CMA must arrange for that person to be paid ”, and
 - (d) in sub-paragraph (8), for the words from “Commission's” to the end, substitute “ CMA's behalf by an authorised member of the CMA ”.
- (11) In paragraph 10—
- (a) in sub-paragraph (1), for “Commission” substitute “ CMA ”, and
 - (b) in sub-paragraph (4), for the words from “Commission's” to the end, substitute “ CMA's behalf by an authorised member of the CMA ”
- (12) In paragraph 11, in sub-paragraph (1), for “a member of the Commission” substitute “ an authorised member of the CMA ”.

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- (13) In paragraph 12, in sub-paragraphs (1), (3) and (4), for “Commission” (in each place where it occurs) substitute “CMA Board”.
- (14) In paragraph 13, in sub-paragraph (1), for “Commission” (in each place where it occurs) substitute “CMA”.
- (15) In paragraph 15, in sub-paragraph (1)—
- (a) for the definition of “authorised member of the Commission” substitute—
 - ““authorised member of the CMA”—
 - (a) in relation to a power exercisable in connection with an appeal in respect of which a group has been constituted by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, means a member of that group who has been authorised by the chair of the CMA to exercise that power;
 - (b) in relation to a power exercisable in connection with an application for permission to bring an appeal, or otherwise in connection with an appeal in respect of which a group has not been so constituted by the chair of the CMA, means—
 - (i) any member of the CMA Board who is also a member of the CMA panel, or
 - (ii) any member of the CMA panel authorised by the Secretary of State (whether generally or specifically) to exercise the power in question.”
 - (b) omit the definition of “the Chairman”,
 - (c) for the definition of “the Commission” substitute—
 - ““the CMA” means the Competition and Markets Authority;”
 - “CMA Board” and “CMA panel” have the same meaning as in Schedule 4 to the Enterprise and Regulatory Reform Act 2013;”, and
 - (d) omit the definition of “a group”.

Commencement Information

I7 Sch. 6 para. 107 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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