
Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Cross Heading: Gas Act 1986 (c. 44). (See end of Document for details)

SCHEDULES

SCHEDULE 6

REGULATORY APPEALS ETC: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO ACTS

Gas Act 1986 (c. 44)

15 The Gas Act 1986 is amended as follows.

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Commencement Information

II Sch. 6 para. 15 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 16 (1) Section 23B (appeals) is amended as follows.
- (2) In subsection (1), for “Competition Commission (“the Commission”)” substitute “CMA”.
- (3) In subsections (3) and (4), for “Commission” (in each place where it occurs) substitute “CMA”.
- (4) In the heading, for “Competition Commission” substitute “CMA”.

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Commencement Information

I2 Sch. 6 para. 16 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 17 (1) Section 23C (procedure on appeal) 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 4A, the functions of the CMA with respect to an appeal under section 23B 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.”
- (5) In the heading, for “Commission” substitute “CMA”.

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Commencement Information

I3 Sch. 6 para. 17 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 18 (1) Section 23D (determination of appeal) is amended as follows.
- (2) In subsections (2) to (5), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In the heading, for “Commission” substitute “CMA”.

Commencement Information

I4 Sch. 6 para. 18 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 19 (1) Section 23E (powers on allowing appeal) is amended as follows.
- (2) In subsection (1), for “Commission” substitute “CMA”.
- (3) In subsection (2)—
- (a) for “Commission” (in each place where it occurs) substitute “CMA”, and
- (b) for “Commission's” substitute “CMA's”.
- (4) In subsection (3), for “Commission” (in each place where it occurs) substitute “CMA”.
- (5) In subsection (7), for “Commission's” substitute “CMA's”.
- (6) In the heading, for “Commission's” substitute “CMA's”.

Commencement Information

I5 Sch. 6 para. 19 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 20 (1) Section 23F (time limits for determination of appeal) is amended as follows.
- (2) In subsections (1), (3) to (5) and (7), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In the heading, for “Commission” substitute “CMA”.

Commencement Information

I6 Sch. 6 para. 20 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 21 (1) Section 23G (supplementary provision about determination of appeal) is amended as follows.
- (2) In subsection (1), for “Commission” (in each place where it occurs) substitute “CMA”.
- (3) In subsection (2)—
- (a) for “Commission” substitute “CMA”, and
- (b) for “Commission's” (in each place where it occurs) substitute “CMA's”.

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(4) In subsection (3), for “Commission” substitute “ CMA ”.

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

Commencement Information

I7 Sch. 6 para. 21 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

22 In section 27 (modification by order under other enactments), in subsection (1), for “Office of Fair Trading, the Competition Commission” substitute “ CMA ”.

Commencement Information

I8 Sch. 6 para. 22 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

23 (1) Section 41D (application by Authority for order including new activities) is amended as follows.

(2) In subsection (3), for the words from “shall” to the end, substitute “ shall, before making the application, make a reference under section 41E to the CMA ”.

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

(4) After subsection (6), insert—

“(7) The functions of the CMA with respect to a reference under section 41E (including functions under sections 109 to 115 of the Enterprise Act 2002, as applied by section 41EB) 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.”

Commencement Information

I9 Sch. 6 para. 23 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

24 (1) Section 41E (references) is amended as follows.

(2) In subsection (1)—

(a) for “Competition Commission” substitute “ CMA ”, and

(b) for “the Commission” substitute “ the CMA ”.

(3) In subsections (2), (3), (5) and (6), for “Commission” (in each place where it occurs) substitute “ CMA ”.

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

Commencement Information

I10 Sch. 6 para. 24 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- 25 In section 41EA (references under section 41E: time limits), in subsections (2) and (3), for “Competition Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I11 Sch. 6 para. 25 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 26 In section 41EB (references under section 41E: application of the Enterprise Act 2002), in subsection (4)—
- (a) for “Competition Commission” substitute “CMA”, and
 - (b) for the words from “the words” to the end, substitute “—
 - (a) the words “, OFCOM or the Secretary of State” were omitted; and
 - (b) for the words “their functions” there were substituted “its functions”.

Commencement Information

I12 Sch. 6 para. 26 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 27 (1) Section 41F (reports on references) is amended as follows.
- (2) In subsection (1), for “Competition Commission” substitute “CMA”.
 - (3) In subsections (2) and (3), for “Commission” (in each place where it occurs) substitute “CMA”.
 - (4) In subsection (3A)—
 - (a) for “Competition Commission” substitute “CMA”, and
 - (b) for the words from “in connection with” to the end, substitute “by the chair of the CMA for the purpose of carrying out the functions of the CMA with respect to the reference”.
 - (5) In subsections (3B) to (4C), for “Competition Commission” (in each place where it occurs) substitute “CMA”.
 - (6) In subsection (5), for “Commission” substitute “CMA”.

Commencement Information

I13 Sch. 6 para. 27 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 28 In section 48 (interpretation of Part 1), in subsection (1), after the definition of “calorific value” insert—
- ““the CMA” means the Competition and Markets Authority;”.

Commencement Information

I14 Sch. 6 para. 28 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- 29 (1) Schedule 4A (procedure for appeals under section 23B) is amended as follows.
- (2) In paragraph 1—
- (a) in sub-paragraphs (1) and (7), for “Commission” (in each place where it occurs) substitute “CMA”,
 - (b) in sub-paragraph (8)—
 - (i) for “Commission's” substitute “CMA's”, and
 - (ii) for “Commission” substitute “CMA”,
 - (c) in sub-paragraph (9)—
 - (i) for “deciding” substitute “the authorised member decides”, and
 - (ii) for “the Commission must give the Authority” substitute “the Authority must be given”,
 - (d) in sub-paragraph (10), for “Commission's” substitute “CMA's”,
 - (e) in sub-paragraph (12), for “the Commission must” substitute “an authorised member of the CMA must”, and
 - (f) in sub-paragraph (13)—
 - (i) for “of the Commission” substitute “of the CMA”, and
 - (ii) for “as the Commission” substitute “as an authorised member of the CMA”.
- (3) In paragraph 2—
- (a) in sub-paragraph (1), for “Commission” substitute “CMA”,
 - (b) in sub-paragraph (2)(b), for “the Commission has given the Authority” substitute “the Authority has been given”,
 - (c) in sub-paragraph (3), for “Commission's” substitute “CMA's”,
 - (d) in sub-paragraph (4), for “Commission” substitute “CMA”,
 - (e) in sub-paragraph (5)—
 - (i) for “Commission's” substitute “CMA's”, and
 - (ii) for “Commission” substitute “CMA”, and
 - (f) in sub-paragraph (6)—
 - (i) in paragraph (a), for “Commission” substitute “CMA”, and
 - (ii) in paragraph (b), for “the Commission” substitute “an authorised member of the CMA”.
- (4) In paragraph 3, in sub-paragraphs (1) and (3), for “Commission” (in each place where it occurs) substitute “CMA”.
- (5) In paragraph 4—
- (a) omit sub-paragraph (1),
 - (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 23B”, 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”.
- (6) In paragraph 5, in sub-paragraph (1)—

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- (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 ”.
- (7) In paragraph 6—
- (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), in paragraph (a), for the words from “Commission's” to the end of paragraph (a), substitute “ CMA's behalf by an authorised member of the CMA ”.
- (8) In paragraph 7—
- (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 that person” 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 ”.
- (9) In paragraph 8—
- (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 ”.
- (10) In paragraph 9, for “Commission” substitute “ CMA ”.
- (11) In paragraph 10, in sub-paragraph (1), for “a member of the Commission” substitute “ an authorised member of the CMA ”.
- (12) In paragraph 11, in sub-paragraphs (1), (3) and (4), for “Commission” (in each place where it occurs) substitute “ CMA Board ”.
- (13) In paragraph 12, in sub-paragraphs (1) and (2), for “Commission” (in each place where it occurs) substitute “ CMA ”.
- (14) In paragraph 13, 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;

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- (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—

““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

I15 Sch. 6 para. 29 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

Changes to legislation:

There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Cross Heading: Gas Act 1986 (c. 44).