

2014 No. 549

COMPETITION

**The Enterprise and Regulatory Reform Act 2013 (Competition)
(Consequential, Transitional and Saving Provisions) (No. 2)
Order 2014**

<i>Made</i> - - - -	<i>6th March 2014</i>
<i>Laid before Parliament</i>	<i>10th March 2014</i>
<i>Coming into force</i> - -	<i>1st April 2014</i>

The Secretary of State, in exercise of the powers conferred by section 99(1), (2) and (3) of the Enterprise and Regulatory Reform Act 2013(a), makes the following Order:

Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as the Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) (No. 2) Order 2014 and comes into force on 1st April 2014.

(2) In this Order—

“the Act” means the Enterprise and Regulatory Reform Act 2013;

“CMA” means the Competition and Markets Authority;

“commencement date” means 1st April 2014;

“Commission” means the Competition Commission;

“OFT” means the Office of Fair Trading; and

“the 2002 Act” means the Enterprise Act 2002(b).

(3) An amendment or revocation made by this Order has the same extent as the provision to which it relates.

Consequential amendments to other legislation etc.

2. Schedule 1 (which amends secondary legislation to make provision for the transfer of certain functions from the OFT and the Commission to the CMA and contains amendments consequential on Parts 3 and 4 of the Act) has effect.

(a) 2013 c. 24.
(b) 2002 c.40.

Continuity of functions

3.—(1) Anything which, immediately before the commencement date, is in the process of being done by or in relation to the transferor may, so far as it relates to a relevant function, be continued by or in relation to the transferee.

(2) Anything done (or having effect as if done) by or in relation to the transferor for the purposes of or in connection with a relevant function is, if in force or effective immediately before the commencement date, to have effect as if done by or in relation to the transferee so far as that is required for continuing its effect on or after the commencement date.

(3) In the application of paragraph (1) or (2)—

- (a) any reference made before the commencement date under section 32 of the Water Industry Act 1991(a) to the Commission is to be treated, so far as provided by those paragraphs, as a reference under that section to the chair of the CMA for the constitution of a CMA group,
- (b) where any functions exercisable immediately before the commencement date by a Commission group are to be exercisable on or after that date by a CMA group—
 - (i) any person who, immediately before the commencement date, is a member of the Commission group is to be treated, on or after that date, as a member of the CMA group concerned if the person is a member of the CMA panel,
 - (ii) any person who, immediately before the commencement date, is the chairman of the Commission group is to be treated, on or after that date, as the chair of the CMA group if the person is a member of the CMA panel, and
 - (iii) the persons treated as mentioned in paragraph (i) or (ii) are to be treated, on or after the commencement date, as if they have been constituted in accordance with Part 3 of Schedule 4 to the Act as the chair and other members of the CMA group (and that Part applies accordingly in relation to the operation of the group), and
- (c) an authorisation given (whether by warrant or otherwise) before the commencement date, so far as it authorises a named member, or member of staff, of the OFT or the Commission, continues to authorise that individual (but no other) on or after the commencement date if, and only if, the individual is a member, or (as the case may be), a member of staff, of the CMA.

(4) Paragraphs (1) to (3)—

- (a) do not apply in relation to any matter dealt with by a transfer scheme under section 27 of the Act or by any other transitional provision made by virtue of the Act; and
- (b) do not apply so as to convert an appointment as a member of the OFT or the Commission into an appointment as a member of the CMA.

(5) Any enactment, instrument or other document passed or made before the commencement date is to have effect, so far as necessary for the purposes of or in consequence of its continued effect by virtue of Schedule 2, as if any references (however expressed) to the transferor were references to the transferee.

(6) Any enactment, instrument or other document passed or made before the commencement date is to have effect, so far as necessary for the purposes of or in consequence of anything transferred from the transferor to the transferee by virtue of this Order as if any references (however expressed) to the transferor were references to the transferee.

(7) The repeals of section 45(4) of the Competition Act 1998(b) and section 2(3) of the 2002 Act(c) by Parts 3 and 4 of Schedule 5 to the Act do not apply so far as those sections create references to the transferor to which paragraph (5) or (6) above are capable of applying.

(a) 1991 c. 56. Sections 32 to 35 of the Water Industry Act 1991 were substituted by section 70 of the Enterprise Act 2002.

(b) 1998 c.41. Section 45 was amended by section 187 of and paragraph 38 of Schedule 25 to the Enterprise Act 2002 and repealed by paragraph 220 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.

(c) 2002 c.40. Section 2 was repealed by paragraph 229 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.

(8) The abolition of the OFT or the Commission does not affect the validity of anything done (or having effect as if done) by or in relation to the transferor before the commencement date.

(9) In this article—

“CMA Board” has the same meaning as in Schedule 4 to the Act (see Part 2 of that Schedule);

“CMA group” means a group constituted in accordance with Part 3 of Schedule 4 to the Act;

“CMA panel” has the same meaning as in Schedule 4 to the Act (see Part 3 of that Schedule);

“Commission group” means a group constituted under any enactment or instrument to perform functions of the Commission;

“relevant function” means any function of the transferor which is transferred to the transferee by this Order;

“transferee” means the CMA, the CMA Board, a CMA group, the chair of the CMA or another member of the CMA or (as the case may be) a member of staff of the CMA;

“transferor” means the OFT, the Commission, a Commission group, the chairman of the OFT or Commission, another member of the OFT or Commission, or a member of staff of the OFT or the Commission;

and references in this article to things done include references to things omitted to be done.

(10) Schedule 2 (which makes further transitional provision in relation to amendments in Schedule 1) has effect.

Jenny Willott

Parliamentary Under Secretary of State for Employment Relations and Consumer Affairs
6th March 2014 Department for Business, Innovation and Skills

SCHEDULE 1

Article 2

TRANSFER OF FUNCTIONS OF OFT AND COMPETITION COMMISSION TO CMA AND AMENDMENTS CONSEQUENTIAL ON PARTS 3 AND 4 OF THE ACT

PART 1

Amendments to secondary legislation principally concerned with competition

EEC Merger Control (Distinct Market Investigations) Regulations 1990

1.—(1) The EEC Merger Control (Distinct Market Investigations) Regulations 1990(a) are amended as follows.

(2) In regulation 2—

(a) for “Office of Fair Trading (“the OFT”)” substitute “Competition and Markets Authority (“the CMA”)”, and

(b) for “OFT” (in each place where it occurs) substitute “CMA”.

(3) In regulation 3, for “OFT” (in each place where it occurs) substitute “CMA”.

(a) S.I. 1990/1715; amended by S.I. 2003/1398. There is another amending instrument but it is not relevant to this Order.

Competition Act 1998 (Determination of Turnover for Penalties) Order 2000

2. In the Competition Act 1998 (Determination of Turnover for Penalties) Order 2000(a), in article 3 (determination of turnover for the purposes of section 36(8)), for “OFT” substitute “CMA”.

Supply of New Cars Order 2000

3.—(1) The Supply of New Cars Order 2000(b) is amended as follows.

(2) In article 1(2) (citation, commencement and interpretation), at the appropriate place, insert—

““CMA” means the Competition and Markets Authority;”.

(3) In article 4—

(a) for “Director General of Fair Trading” substitute “CMA”,

(b) for “he” substitute “it”, and

(c) for “him” substitute “the CMA”.

(4) In article 14 (directions by the Secretary of State as to compliance)—

(a) in paragraphs (1) and (3), for “Office of Fair Trading” substitute “CMA”, and

(b) in the heading, for “Secretary of State” substitute “Competition and Markets Authority”.

Foreign Package Holidays (Tour Operators and Travel Agents) Order 2000

4. In the Foreign Package Holidays (Tour Operators and Travel Agents) Order 2000(c), in article 7 (directions by the Secretary of State as to compliance measures), in paragraphs (1) and (2), for “Office of Fair Trading” substitute “Competition and Markets Authority”,

Competition Act 1998 (Public Transport Ticketing Schemes Block Exemption) Order 2001

5.—(1) The Competition Act 1998 (Public Transport Ticketing Schemes Block Exemption) Order 2001(d) is amended as follows.

(2) In article 3—

(a) in the definition of “the register”—

(i) for “Office of Fair Trading” substitute “CMA”,

(ii) for “Office of Fair Trading’s” (where it first appears) substitute “CMA’s”, and

(iii) for “Competition Act 1998 (Office of Fair Trading’s Rules) Order 2004” substitute “Competition Act 1998 (Competition and Markets Authority’s Rules) Order 2014”, and

(b) in the definition of “working day”, for “Office of Fair Trading” substitute “office of the CMA”.

(3) In article 17 (obligation), for “Director” (in each place where it occurs) substitute “CMA”.

(4) In article 18 (cancellation by notice), for “Director” substitute “CMA”.

(5) In article 19—

(a) for “Director” substitute “CMA”, and

(b) for “he” substitute “it”.

(6) In article 20—

(a) S.I. 2000/309, amended by S.I. 2004/1259. There are other amending instruments but none is relevant to this Order.

(b) S.I. 2000/2088; amended by S.I. 2006/355 and by virtue of section 2 of the Enterprise Act 2002 (c.40) references in the 2000 Order to the Director General of Fair Trading have effect as references to the Office of Fair Trading.

(c) S.I. 2000/2110; amended by S.I. 2006/355.

(d) S.I. 2001/319, amended by S.I. 2005/3347 and S.I. 2011/227 and by virtue of section 2 of the Enterprise Act 2002 references in the 2001 Order to the Director General of Fair Trading have effect as references to the Office of Fair Trading.

- (a) for “Director” substitute “CMA”,
- (b) for “he” substitute “the CMA”,
- (c) for “his” substitute “its”, and
- (d) for “him” substitute “it”.

(7) In article 21—

- (a) in paragraph (a),—
 - (i) for “Director” substitute “CMA”,
 - (ii) for “his” substitute “its”, and
 - (iii) for “he” substitute “the CMA”, and
- (b) in paragraph (b)—
 - (i) for “Office of Fair Trading” (in each place where it occurs) substitute “CMA”, and
 - (ii) for “he bases it and his” substitute “the CMA bases its decision or proposal and its”.

Competition Act 1998 (Section 11 Exemption) Regulations 2001

6.—(1) The Competition Act 1998 (Section 11 Exemption) Regulations 2001(a) are amended as follows.

- (2) In regulation 2 (interpretation), for the definition of “the Director’s rules” substitute—

“the CMA’s Rules” means the CMA’s rules set out in the Schedule to the Competition Act 1998 (Competition and Market Authority’s Rules) Order 2014(b);”.
- (3) In regulation 3 (exemption)—
 - (a) in paragraphs (1) to (3), for “Director” (in each place where it occurs) substitute “CMA”;
 - (b) in paragraph (4)—
 - (i) for “Director” substitute “CMA”,
 - (ii) for “he” substitute “it”, and
 - (iii) for “rule 21 of the Director’s rules” substitute “rule 15 of the CMA’s Rules”.

Sale and Supply of Goods to Consumers Regulations 2002

7. In the Sale and Supply of Goods to Consumers Regulations 2002(c), in regulation 2 (interpretation), in the definition of “enforcement authority”, for “Director General of Fair Trading” substitute “Competition and Markets Authority”.

Enterprise Act 2002 (Super-complaints to Regulators) Order 2003

8. In the Enterprise Act 2002 (Super-complaints to Regulators) Order 2003(d), in article 2 (application of section 11 of the Enterprise Act 2002 to super-complaints to regulators other than the OFT) and in the heading to that article, for “OFT” (in each place where it occurs) substitute “CMA”.

(a) S.I. 2001/2993. By virtue of section 2 of the Enterprise Act 2002 references to the Director General of Fair Trading in the 2001 Regulations have effect as references to the Office of Fair Trading. There are other amendments to the 2001 Regulations but none is relevant to this Order.

(b) S.I. 2014/458

(c) S.I. 2002/3045; the reference to the Director General of Fair Trading in regulation 2 has effect as a reference to the Office of Fair Trading by virtue of section 2 of the Enterprise Act 2002. There is another amendment to the 2002 Regulations but it is not relevant to this Order.

(d) S.I. 2003/1368, to which there are amendments not relevant to this Order.

Enterprise Act 2002 (Merger Prenotification) Regulations 2003

9.—(1) The Enterprise Act 2002 (Merger Prenotification) Regulations 2003(a) are amended as follows.

(2) Omit regulation 4 (time limit for disclosure of material information).

(3) In regulation 5 (time at which a merger notice is to be treated as received), for “OFT” (in each place where it occurs) substitute “CMA”.

(4) In regulation 7 (withdrawal of a merger notice), for “OFT” substitute “CMA”

(5) In regulation 8 (provision of information to the OFT)—

(a) in paragraph (1), omit “or any information requested by the OFT under section 99(2) of the Act”,

(b) in paragraphs (2) and (3) and in the heading, for “OFT” (in each place where it occurs) substitute “CMA”, and

(c) omit paragraph (5).

(6) Omit regulations 9 to 13.

(7) In regulation 14 (circumstances in which a person is or is not to be treated as acting on behalf of the giver of a merger notice), for “OFT” (in each place where it occurs) substitute “CMA”.

Enterprise Act 2002 (Part 8 Designated Enforcers: Criteria for Designation, Designation of Public Bodies as Designated Enforcers and Transitional Provisions) Order 2003

10. In the Enterprise Act 2002 (Part 8 Designated Enforcers: Criteria for Designation, Designation of Public Bodies as Designated Enforcers and Transitional Provisions) Order 2003(b), in article 3 (criteria for designation), in sub-paragraph (f), for “OFT” substitute “CMA”.

Enterprise Act 2002 (Anticipated Mergers) Order 2003

11. In article 4 of the Enterprise Act 2002 (Anticipated Mergers) Order 2003(c), for “Competition Commission” substitute “CMA”.

Competition Act 1998 (Appealable Decisions and Revocation of Notification of Excluded Agreements) Regulations 2004

12. In the Competition Act 1998 (Appealable Decisions and Revocation of Notification of Excluded Agreements) Regulations 2004(d), in regulation 2 (appealable decisions), for “OFT” (in each place where it occurs) substitute “CMA”.

Competition Act 1998 and Other Enactments (Amendment) Regulations 2004

13.—(1) The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004(e) are amended as follows.

(2) In regulation 3 (designation of national competition authorities)—

(a) in paragraph (1)—

(i) for “paragraphs (2) and (3)” substitute “paragraph (3)”, and

(ii) omit sub-paragraph (a), and

(b) omit paragraph (2).

(a) S.I. 2003/1369.

(b) S.I. 2003/1399, to which there are amendments not relevant to this Order.

(c) S.I. 2003/1595.

(d) S.I. 2004/1078.

(e) S.I. 2004/1261, to which there are amendments not relevant to this Order.

(3) In regulation 8, in paragraph (2), for “OFT” substitute “CMA”.

The Competition Appeal Tribunal (Amendment and Communications Act Appeals) Rules 2004

14.—(1) The Competition Appeal Tribunal (Amendment and Communications Act Appeals) Rules 2004(a) are amended as follows.

(2) In rule 1 (citation and commencement), in paragraph (2)—

(a) at the appropriate place, insert—

““the CMA” means the Competition and Markets Authority;”, and

(b) omit the definition of “the Commission”.

(3) In rule 3 (reference of price control matters to the Competition Commission)—

(a) in paragraphs (5) and (6), for “Commission” substitute “CMA”, and

(b) in the heading, for “Competition Commission”, substitute “Competition and Markets Authority”.

(4) In rule 5 (determination by Competition Commission of price control matters)

(a) in paragraphs (1) to (3), for “Commission” (in each place where it occurs) substitute “CMA”, and

(b) in the heading, for “Competition Commission”, substitute “Competition and Markets Authority”.

Enterprise Act 2002 (Commencement No. 7 and Transitional Provisions and Savings) Order 2004

15. In the Enterprise Act 2002 (Commencement No. 7 and Transitional Provisions and Savings) Order 2004(b), in article 5 (Articles 3 and 4: interpretation and supplemental provision), in paragraph (2)(b), for “OFT” substitute “CMA”.

Supply of Extended Warranties on Domestic Electrical Goods Order 2005

16.—(1) The Supply of Extended Warranties on Domestic Electrical Goods Order 2005(c) is amended as follows.

(2) In article 9 (requirement to furnish information to the Office of Fair Trading), in paragraph (1) and in the heading, for “Office of Fair Trading” (in each place where it occurs) substitute “Competition and Markets Authority”.

(3) In article 10 (directions by the Secretary of State as to compliance)—

(a) in paragraphs (1) and (3), for “Office of Fair Trading” substitute “Competition and Markets Authority”, and

(b) in the heading, for “Secretary of State” substitute “Competition and Markets Authority”.

Supply of Relevant Veterinary Medicinal Products Order 2005

17.—(1) The Supply of Relevant Veterinary Medicinal Products Order 2005(d) is amended as follows.

(2) In article 2 (interpretation)—

(a) at the appropriate place, insert—

(a) S.I. 2004/2068.

(b) S.I. 2004/3233.

(c) S.I. 2005/37; amended by S.I. 2006/355.

(d) S.I. 2005/2751; amended by S.I. 2006/355.

“the CMA” means the Competition and Markets Authority;”, and

(b) omit the definition of “the OFT”.

(3) In article 7, in paragraph (1) and in the heading, for “OFT” (in each place where it occurs) substitute “CMA”.

(4) In article 8 (directions by the Secretary of State as to compliance), in paragraphs (1) and (3), for “Office of Fair Trading” substitute “CMA”.

The Enterprise Act 2002 (Enforcement Undertakings) Order 2006

18. In article 4 of the Enterprise Act 2002 (Enforcement Undertakings) Order 2006(a), for “Office of Fair Trading” substitute “Competition and Markets Authority”.

The Enterprise Act 2002 (Enforcement Undertakings and Orders) Order 2006

19. In the Enterprise Act 2002 (Enforcement Undertakings and Orders) Order 2006(b), in article 4 (consequential amendments)—

(a) in paragraphs (1), (2) and (5), for “Office of Fair Trading” substitute “Competition and Markets Authority”, and

(b) omit paragraphs (3), (4) and (6) to (8).

The Enterprise Act 2002 (Enforcement Undertakings) (No 2) Order 2006

20. In the Enterprise Act 2002 (Enforcement Undertakings) (No 2) Order 2006(c), in article 4 (consequential amendment), for “Office of Fair Trading” substitute “Competition and Markets Authority”.

Enterprise Act 2002 (Disclosure of Information for Civil Proceedings etc) Order 2007

21. In the Enterprise Act 2002 (Disclosure of Information for Civil Proceedings etc) Order 2007(d), in article 2 (prescribed information), in sub-paragraphs (a) and (b), for “OFT” (in each place where it occur) substitute “CMA”.

Water Mergers (Modification of Enactments) Regulations 2004

22.—(1) The Water Mergers (Modification of Enactments) Regulations 2004(e) are amended as follows.

(2) In regulation 3 (omitted provisions)—

(a) in paragraph (b), for “sections 34A and and 34B” substitute “section 34A”,

(b) after paragraph (b) insert—

“(ba) sections 34ZA to 34ZC (time limits for decisions and references);”,

(c) omit “and” at the end of paragraph (f), and

(d) after paragraph (f), insert—

“(fa)section 110B (section 110A: supplementary provision); and”.

(3) In regulation 4 (sections 22 to 24: references in relation to completed mergers)—

(a) in the text of section 22(2) of the 2002 Act as it has effect as substituted by that regulation, for “OFT or (as the case may be) the Commission” substitute “CMA”,

(a) S.I. 2006/354.

(b) S.I. 2006/355.

(c) S.I. 2006/3095.

(d) S.I. 2007/2193.

(e) S.I. 2004/3202, to which there are amendments not relevant to this Order.

- (b) in the text of section 23(1)(a) of the 2002 Act as it has effect as substituted by that regulation, for “Commission” substitute “CMA”, and
 - (c) in the text of section 24(1)(b) of the 2002 Act as it has effect as substituted by that regulation, for “OFT” substitute “CMA”.
- (4) In regulation 6 (section 30: relevant customer benefits), in the text of section 30(1)(b) of the 2002 Act as it has effect as substituted by that regulation for “Commission” substitute “CMA”.
- (5) Omit regulation 7 (section 31: information powers in relation to completed mergers).
- (6) In regulation 8 (section 32: supplementary provision for purposes of sections 25 and 31)—
- (a) in the heading and in the words before paragraph (a) for “sections 25 and 31” substitute “section 25”, and
 - (b) omit paragraph (a).
- (7) After regulation 10, insert—

“Section 34C: functions to be exercised by CMA groups

- 10A.** Section 34C (functions to be exercised by CMA groups) has effect as if, in subsection (1)—
- (a) in the words before paragraph (a), for “section 22 or 33” there were substituted “section 32(a) or (b) of the 1991 Act”,
 - (b) in paragraph (a), for “sections 35(6) and (7), 36(5) and (6) and” there were substituted “section”, and
 - (c) in paragraph (b), for “section 22, section 23(9)(a)” there were substituted “section 32(b) of the 1991 Act, section 23(1)(a)”.
- (8) In regulation 11 (sections 35 to 36: questions to be decided in relation to mergers)—
- (a) in the text of section 35(1) to (3) and (5) to (7) of the 2002 Act as it has effect as substituted by that regulation, for “Commission” substitute “CMA”,
 - (b) in the text of section 35(2) and (3) of the 2002 Act as it has effect as substituted by that regulation, for “in pursuance of paragraph 15 of Schedule 7 to the 1998 Act” substitute “under Schedule 4 to the Enterprise and Regulatory Reform Act 2013”,
 - (c) in the text of section 36(1) to (6) of the 2002 Act as it has effect as substituted by that regulation, for “Commission” substitute “CMA”, and
 - (d) in the text of section 36(2) and (3) of the 2002 Act as it has effect as substituted by that regulation, for “in pursuance of paragraph 15 of Schedule 7 to the 1998 Act” substitute “under Schedule 4 to the Enterprise and Regulatory Reform Act 2013”.
- (9) In regulation 12 (section 37: cancellation and variation of references), in the text of section 37(2) and (3) of the 2002 Act as it has effect as substituted by that regulation, for “Commission” substitute “CMA”.
- (10) In regulation 13 (section 38: investigations and reports on references), in the text of paragraph (d) of section 38(2) of the 2002 Act as it has effect as substituted by that regulation, for “Commission” substitute “CMA”.
- (11) After regulation 13, insert—

“Section 39: Time-limits for investigations and reports

- 13A.** Section 39 (time-limits for investigations and reports) has effect as if, in subsection (8A), for “section 33” there were substituted “section 32(a) of the 1991 Act”.
- (12) In regulation 15 (section 41: duty to remedy effects of completed or anticipated mergers), in the text of section 41(5) of the 2002 Act as it has effect as substituted by that regulation, for “Commission” substitute “CMA”.
- (13) Omit regulation 16 (section 71: initial undertakings: completed mergers).

- (14) In regulation 17 (section 72: initial enforcement orders: completed mergers)—
- (a) in the heading and in the wording before paragraph (a), for “completed mergers” substitute “completed or anticipated mergers”,
 - (b) for paragraph (a) substitute—
 - “(a) in subsection (1)—
 - (i) in paragraph (a), for “to make a reference under section 22 or 33” there were substituted “it has a duty to make a reference under section 32(a) or (b) of the 1991 Act; and
 - (ii) in paragraph (b), after “two or more” (in both places where it occurs), there were inserted “water”;”,
 - (c) omit paragraphs (b) and (c), and
 - (d) in paragraph (d)—
 - (i) after “section 22” (in both places where it occurs) insert “or 33”, and
 - (ii) for “section 32(b)” (in both places where it occurs) substitute “section 32(a) or (b)”.
- (15) Omit regulation 25 (section 103: duty of expedition in relation to references).
- (16) In regulation 26 (section 104: certain duties of relevant authorities to consult), in paragraph (b), for “in paragraph (b)” substitute “in sub-paragraph (iii) of paragraph (a)”.
- (17) In regulation 28 (section 106: advice and information about references), for “subsections (1) and (3)” substitute “subsection (1)”.
- (18) In regulation 29 (section 107: further publicity requirements), in paragraph (a)(ii), for “paragraph (a) substitute “paragraph (aa)”.
- (19) In regulation 30 (section 109: attendance of witnesses and production of documents etc) for the words from “in subsections” to the end substitute—
- “in subsection (A1)(a)—
 - (a) after “this Part” there were inserted “or section 32 of the 1991 Act”, and
 - (b) for “section 22 or 33” there were substituted “section 32(a) or (b) of the 1991 Act”.
- (20) After regulation 30, insert—

“Section 110A: Restriction on powers to impose penalties under section 110

30A. Section 110A has effect as if—

- (a) in subsections (5) and (6), for “section 22 or 33” there were substituted “section 32(a) or (b) of the 1991 Act”, and
- (b) in subsection (5), for “to make the reference” there were substituted “it has a duty to make a reference under section 32(a) or (b) of the 1991 Act”.

(21) In regulation 32 (section 120: review of decisions under Part 3), in the text of section 120(1) of the 2002 Act as it has effect as substituted by that regulation, for “OFT or the Commission” substitute “CMA”.

Water Mergers (Determination of Turnover) Regulations 2004

23.—(1) The Water Mergers (Determination of Turnover) Regulations 2004(a) are amended as follows.

(2) In regulation 3 (determination of turnover in England and Wales of a water enterprise), in paragraphs (2) and (3), for “OFT” substitute “CMA”.

(a) S.I. 2004/3206, to which there are amendments not relevant to this Order.

(3) In the Schedule (applicable turnover), in paragraphs 6 and 9, for “OFT” (in each place where it occurs) substitute “CMA”.

PART 2

Amendments to other secondary legislation

Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules 1987

24. In rule 1(3)(c) of the Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules 1987(a), for “Office of Fair Trading” substitute “Competition and Markets Authority”.

Public Interest Disclosure (Prescribed Persons) Order 1999

25. In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999(b), in the first column of the Table, for “Office of Fair Trading” substitute “Competition and Markets Authority”.

Unfair Terms in Consumer Contracts Regulations 1999

- 26.**—(1) The Unfair Terms in Consumer Contracts Regulations 1999(c) are amended as follows.
- (2) In regulation 3 (interpretation), in paragraph (1)—
- (a) omit the definition of “Director”, and
 - (b) at the appropriate place, insert—
 ““the CMA” means the Competition and Markets Authority;”
- (3) In regulation 10 (complaints - consideration by OFT and qualifying bodies)—
- (a) in paragraphs (1) to (5), for “OFT” (in each place where it occurs) substitute “CMA”, and
 - (b) in the heading, for “OFT” substitute “the CMA”.
- (4) In regulation 12 (injunctions to prevent continued use of unfair terms), for “Director” (in each place where it occurs) substitute “CMA”.
- (5) In regulation 13 (powers of the Director and qualifying bodies to obtain documents and information)—
- (a) in paragraph (1)—
 - (i) for “Director” substitute “CMA”, and
 - (ii) for “his” substitute “its”,
 - (b) in paragraph (3), in the words before sub-paragraph (a)—
 - (i) for “Director” substitute “CMA”, and
 - (ii) for “him” substitute “it”,
 - (c) in paragraph (6), for “Director” substitute “CMA”, and
 - (d) in the heading, for “Director” substitute “CMA”.
- (6) In regulation 14 (notification of undertakings and orders to Director)—
- (a) in the words before paragraph (a), for “Director” substitute “CMA”, and
 - (b) in the heading, for “Director” substitute “the CMA”.

(a) S.I. 1987/2023; amended by S.I. 2007/1906. There are other amending instruments but none is relevant to this Order.

(b) S.I. 1999/1549, to which there are amendments not relevant to this Order.

(c) S.I. 1999/2083; amended by S.I. 2013/783 and by virtue of section 2 of the Enterprise Act 2002 references in the 1999 Regulations to the Director General of Fair Trading have effect as references to the Office of Fair Trading. There are other amending instruments but none is relevant to this Order.

- (7) In regulation 15 (publication, information and advice)—
- (a) in paragraph (1)—
 - (i) for “Director” (in each place where it occurs) substitute “CMA”,
 - (ii) for “he” substitute “it”, and
 - (iii) for “him” (in each place where it occurs) substitute “it”.
 - (b) in paragraph (2)—
 - (i) for “Director” (in each place where it occurs) substitute “CMA”, and
 - (ii) for “him” (in each place where it occurs) substitute “it”, and
 - (c) in paragraph (3)—
 - (i) for “Director” substitute “CMA”,
 - (ii) for “he” substitute “it”, and
 - (iii) for “him” substitute “it”.

Copyright and Rights in Databases Regulations 1997

27. In the Copyright and Rights in Databases Regulations 1997(a), in Schedule 2 (licensing of database right), in paragraph 15—

- (a) for “, the Office of Fair Trading or (as the case may be) the Competition Commission” substitute “or (as the case may be) the Competition and Markets Authority”,
- (b) after “147(2)” insert “, 147A(2)”, and
- (c) for “the Commission” (in each place where it occurs) substitute “to the chair of the Competition and Markets Authority for the constitution of a group”.

Consumer Protection (Distance Selling) Regulations 2000

28.—(1) The Consumer Protection (Distance Selling) Regulations 2000(b) are amended as follows.

- (2) In regulation 3 (interpretation), in paragraph (1)—
 - (a) omit the definition of “Director”, and
 - (b) at the appropriate place, insert –
 - ““CMA” means Competition and Markets Authority;”
- (3) In regulation 26 (consideration of complaints)—
 - (a) in paragraph (1)(b) and paragraph (2), for “Director” substitute “CMA”, and
 - (b) in paragraph (1)(c), for “OFT” substitute “CMA”.
- (4) In regulation 26A (complaints – consideration by the OFT) and in the heading to that regulation, for “OFT” (in each place where it occurs) substitute “CMA”.
- (5) In regulation 27 (injunctions to secure compliance with these Regulations), for “Director” (in each place where it occurs), substitute “CMA”.
- (6) In regulation 28 (notification of undertakings and orders to the Director) and in the heading to that regulation, for “Director” (in each place where it occurs), substitute “CMA”.
- (7) In regulation 29 (publication, information and advice)—
 - (a) for “Director” (in each place where it occurs), substitute “CMA”, and
 - (b) for “he” (in each place where it occurs), substitute “it”.

(a) S.I. 1997/3032, amended by S.I. 2003/1398.

(b) S.I. 2000/2334, amended by S.I. 2013/783. Also, by virtue of section 2 of the Enterprise Act 2002 references to the Director General of Fair Trading in the 2001 Regulations have effect as references to the OFT. There are other amending instruments but none is relevant to this Order.

Financial Services and Markets Act 2000 (Service of Notices) Regulations 2001

29. In the Financial Services and Markets Act 2000 (Service of Notices) Regulations 2001(a), in regulation 1 (interpretation), in paragraph (2), in the definition of “relevant authority”, for “the Director General of Fair Trading” substitute “the Competition and Markets Authority”.

Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001

30.—(1) The Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001(b) are amended as follows.

(2) In the table in Part 1 of Schedule 1 (disclosure of confidential information whether or not subject to directive restrictions)—

- (a) for “The Competition Commission” substitute “The Competition and Markets Authority”, and
- (b) omit the entry for the Director General of Fair Trading.

(3) In the table in Schedule 2 (disclosure of confidential information not subject to single market restrictions)—

- (a) for “The Competition Commission” substitute “The Competition and Markets Authority”, and
- (b) omit the entry for the Director General of Fair Trading.

(4) In Schedule 3 (prescribed disciplinary proceedings), in paragraph (b)—

- (a) omit sub-paragraph (v), and
- (b) in sub-paragraph (vi), for “Competition Commission” substitute “Competition and Markets Authority”.

Transport (Scotland) Act 2001 (Conditions attached to PSV Operator’s Licence and Competition Test for Exercise of Bus Functions) Order 2001

31.—(1) The Transport (Scotland) Act 2001 (Conditions attached to PSV Operator’s Licence and Competition Test for Exercise of Bus Functions) Order 2001(c) is amended as follows.

(2) In article 2 (interpretation), in paragraph 1—

- (a) omit the definition of “the Director”, and
- (b) at the appropriate place, insert—
 ““the CMA” means “the Competition and Markets Authority;”.

(3) In—

- (a) articles 4 to 8 and 10 to 17, and
- (b) the headings to articles 4 and 6,

for “Director” (in each place where it occurs) substitute “CMA”.

(4) In articles 14 to 17, for “Director’s” (in each place where it occurs) substitute “CMA’s”.

-
- (a) S.I. 2001/1420. By virtue of section 2 of the Enterprise Act 2002 references to the Director General of Fair Trading in the 2001 Regulations have effect as references to the Office of Fair Trading. There are other amendments to the 2001 Regulations but none is relevant to this Order.
 - (b) S.I. 2001/2188, amended by S.I. 2006/3413 and S.I. 2010/2628. Also, by virtue of section 2 of the Enterprise Act 2002 references to the Director General of Fair Trading in the 2001 Regulations have effect as references to the OFT. There are other amending instruments but none is relevant to this Order.
 - (c) S.I. 2001/2748. References to the Director General of Fair Trading in the 2001 Order have effect as references to the OFT by virtue of section 2 of the Enterprise Act 2002. There are other amendments to the 2001 Order which are not relevant to this Order.

Electricity and Gas Appeals (Designation and Exclusion) Order 2005

32. In the Electricity and Gas Appeals (Designation and Exclusion) Order 2005(a), in article 4 (exclusion of decisions), in paragraph (1), for “Competition Commission” substitute “Competition and Markets Authority”.

Legislative and Regulatory Reform (Regulatory Functions) Order 2007

33. In Part 1 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(b)—

- (a) at the appropriate place insert—
“The Competition and Markets Authority other than any regulatory function under competition or merger law”, and
- (b) omit the entry for the Office of Fair Trading.

Business Protection from Misleading Marketing Regulations 2008

34.—(1) The Business Protection from Misleading Marketing Regulations 2008(c) are amended as follows.

- (2) In regulation 2 (interpretation), in paragraph (1)—
 - (a) in the definition of “enforcement authority”, for “OFT” substitute “CMA”;
 - (b) omit the definition of “OFT”, and
 - (c) at the appropriate place, insert—
““CMA” means the Competition and Markets Authority;”.
- (3) In regulation 13 (duty and power to enforce), in paragraph (1A), for “OFT” substitute “CMA”.
- (4) In regulation 14 (notice to OFT of intended prosecution)—
 - (a) in paragraphs (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”, and
 - (b) in the heading, for “OFT” substitute “CMA”.
- (5) In regulation 15 (injunctions to secure compliance with the regulations), in paragraph (3), for “OFT” (in each place where it occurs) substitute “CMA”.
- (6) In regulation 17 (co-ordination), for “OFT” (in each place where it occurs) substitute “CMA”.
- (7) In regulation 19 (notifications of undertakings and orders to the OFT)—
 - (a) in the words before sub-paragraph (a), for “OFT” (in each place where it occurs) substitute “CMA” and
 - (b) in the heading, for “OFT” substitute “CMA”.
- (8) In regulation 20 (publication, information and advice), in paragraph (1), for “OFT” substitute “CMA”.

Consumer Protection from Unfair Trading Regulations 2008

35.—(1) The Consumer Protection from Unfair Trading Regulations 2008(d) are amended as follows.

- (2) In regulation 2 (interpretation), in paragraph (1)—

(a) S.I. 2005/1646.
(b) S.I. 2007/3544, to which there are amendments not relevant to this Order.
(c) S.I. 2008/1276; amended by S.I. 2013/783. There is another amending instrument but it is not relevant to this Order.
(d) S.I. 2008/1277; amended by S.I. 2013/783. There is another amending instrument but it is not relevant to this Order.

- (a) in the definition of “enforcement authority”, for “OFT” substitute “CMA”,
 - (b) omit the definition of “OFT”, and
 - (c) at the appropriate place, insert—
 - ““CMA” means the Competition and Markets Authority;”.
- (3) In regulation 19, in paragraph (1A), for “OFT” substitute “CMA”.

Payment Services Regulations 2009

- 36.**—(1) The Payment Services Regulations 2009(a) are amended as follows.
- (2) In regulation 2 (interpretation)—
 - (a) at the appropriate place, insert—
 - ““the CMA” means the Competition and Markets Authority;”, and
 - (b) omit the definition of “the OFT”.
 - (3) In regulation 98 (power of OFT to investigate), in paragraphs (1) and (2) and in the heading, for “OFT” substitute “CMA”.
 - (4) In regulation 99 (OFT power to require information), in paragraph (1) and in the heading, for “OFT” (in each place where it occurs) substitute “CMA”.
 - (5) In regulation 100 (failure to comply with information requirement), in paragraph (1), for “OFT” substitute “CMA”.
 - (6) In regulation 102 (notice of OFT decision) and in the heading, for “OFT” (in each place where it occurs) substitute “CMA”.
 - (7) In regulation 103 (publication of OFT decision) and in the heading, for “OFT” (in each place where it occurs) substitute “CMA”.
 - (8) In regulation 104 (enforcement of decisions), in paragraphs (1) and (4), for “OFT” (in each place where it occurs) substitute “CMA”.
 - (9) In regulation 105 (power of OFT to impose financial penalties), in paragraphs (1), (2) and (5) and in the heading, for “OFT” (in each place where it occurs) substitute “CMA”.
 - (10) In regulation 106 (appeal to the Competition Appeal Tribunal), in paragraph (1), for “OFT” (in each place where it occurs) substitute “CMA”.
 - (11) In regulation 107 (disclosure of information by the OFT) and in the heading, for “OFT” substitute “CMA”.
 - (12) In regulation 108 (defamation), for “OFT” substitute “CMA”.
 - (13) In regulation 109 (guidance), in paragraphs (1) and (2), for “OFT” substitute “CMA”.
 - (14) In regulation 114 (misleading the Authority or the OFT), in paragraphs (1), (3) and (4) and in the heading, for “OFT” (in each place where it occurs) substitute “CMA”.
 - (15) In regulation 117 (prosecution of offences), in paragraph (1)(b), for “OFT” substitute “CMA”.
 - (16) In regulation 119 (duty to cooperate and exchange of information), in paragraphs (1) to (3) and in the heading, for “OFT” (in each place where it occurs) substitute “CMA”.

Companies (Disclosure of Address) Regulations 2009

- 37.** In the Companies (Disclosure of Address) Regulations 2009(b), Schedule 1 (specified public authorities)—
- (a) for “the Competition Commission” substitute “the Competition and Markets Authority;”, and

(a) S.I. 2009/209, to which there are amendments not relevant to this Order.
 (b) S.I. 2009/214, to which there are amendments not relevant to this Order.

- (b) omit “the Office of Fair Trading;”.

Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2009

38.—(1) Schedule 1 to the Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2009(a) is amended as follows.

(2) In the entry relating to section 42(2)(c), in column 2, in sub-paragraph (c)(xiii), for “Office of Fair Trading” substitute “Competition and Markets Authority”.

(3) In the entry relating to section 68(3)(c), in column 2, in sub-paragraph (b)(xiii), for “Office of Fair Trading” substitute “Competition and Markets Authority”.

(4) In the entry relating to section 191(2)(c), in column 2, in sub-paragraph (c)(xii), for “Office of Fair Trading” substitute “Competition and Markets Authority”.

(5) In the entry relating to section 216(3)(c), in column 2, in sub-paragraph (b)(xii), for “Office of Fair Trading” substitute “Competition and Markets Authority”.

(6) In the entry relating to section 378(1)(b), in column 2—

(a) in the paragraph beginning “in relation to England and Wales”, in sub-paragraph (b)(xiii), for “Office of Fair Trading” substitute “Competition and Markets Authority”, and

(b) in the paragraph beginning “in relation to Northern Ireland”, in sub-paragraph (b)(xii), for “Office of Fair Trading” substitute “Competition and Markets Authority”.

(7) In the entry relating to section 378(2)(d), in column 2—

(a) in the paragraph beginning “in relation to England and Wales”, in sub-paragraph (b)(xiii), for “Office of Fair Trading” substitute “Competition and Markets Authority”, and

(b) in the paragraph beginning “in relation to Northern Ireland”, in sub-paragraph (b)(xii), for “Office of Fair Trading” substitute “Competition and Markets Authority”.

(8) In the entry relating to section 378(4)(a), in column 2—

(a) in the paragraph beginning “in relation to England and Wales”, in sub-paragraph (b)(xiii), for “Office of Fair Trading” substitute “Competition and Markets Authority”, and

(b) in the paragraph beginning “in relation to Northern Ireland”, in sub-paragraph (b)(xi), for “Office of Fair Trading” substitute “Competition and Markets Authority”.

(9) In the entry relating to section 378(6)(c), in column 2—

(a) in the paragraph beginning “in relation to England and Wales”, in sub-paragraph (b)(xiii), for “Office of Fair Trading” substitute “Competition and Markets Authority”, and

(b) in the paragraph beginning “in relation to Northern Ireland”, in sub-paragraph (b)(xi), for “Office of Fair Trading” substitute “Competition and Markets Authority”.

Overseas Companies Regulations 2009

39. In the Overseas Companies Regulations 2009(b), in Schedule 1 (specified public authorities)—

(a) for “the Office of Fair Trading;” substitute “the Competition and Markets Authority;”, and

(b) omit “the Competition Commission;”.

(a) S.I. 2009/975; amended by S.I. 2009/2707. There are other amending instruments but none is relevant to this Order.

(b) S. I. 2009/1801, to which there amendments not relevant to this Order.

Regulation of Investigatory Powers (Communications Data) Order 2010

40. In the Regulation of Investigatory Powers (Communications Data) Order 2010(a), in Part 2 of Schedule 2 (offices, ranks and positions in additional relevant public authorities specified by this Order), for “Office of Fair Trading” substitute “Competition and Markets Authority”.

Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010

41. In the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010(b), in Part 1 of the Schedule (prescribed offices etc. in relevant public authorities and restrictions)—

- (a) in column 1 of the table, for “Office of Fair Trading” substitute “Competition and Markets Authority”, and
- (b) in column 2 of the table, for “Grade 7” substitute “Grade 6”.

Banking Act 2009 (Inter-Bank Payment Systems) (Disclosure and Publication of Specified Information) Regulations 2010

42. In the Banking Act 2009 (Inter-Bank Payment Systems) (Disclosure and Publication of Specified Information) Regulations 2010(c), in the Schedule (persons to whom the Bank of England may disclose specified information for specific purposes)—

- (a) for “Office of Fair Trading” substitute “Competition and Markets Authority”, and
- (b) omit the entry for the Competition Commission.

Legal Services Act 2007 (Disclosure of Restricted Information) Order 2011

43. In Schedule 1 to the Legal Services Act 2007 (Disclosure of Restricted Information) Order 2011(d), for “Office of Fair Trading” substitute “Competition and Markets Authority”.

Mobile Homes (Written Statement) (England) Regulations 2011

44. In Part 1 of the Schedule to the Mobile Homes (Written Statement) (England) Regulations 2011 (written statement under the Mobile Homes Act 1983 required to be given to a proposed occupier of a pitch)(e), in paragraph 10, for “Office of Fair Trading” substitute “Competition and Markets Authority”.

Postal Services Act 2011 (Appeals to the Competition Commission) (Investigations and Extension of Time Limits) Order 2011

45.—(1) The Postal Services Act 2011 (Appeals to the Competition Commission) (Investigations and Extension of Time Limits) Order 2011(f) is amended as follows.

(2) In article 2 (interpretation)—

- (a) omit the definition of “the Commission”, and
- (b) at the appropriate place, insert—
““the CMA” means the Competition and Markets Authority.””

(a) S.I. 2010/480, to which there are amendments not relevant to this Order.
(b) S.I. 2010/521, to which there are amendments not relevant to this Order.
(c) S.I. 2010/828, to which there are amendments not relevant to this Order.
(d) S.I. 2011/122, to which there are amendments not relevant to this Order.
(e) S.I. 2011/1006, to which there are amendments not relevant to this Order.
(f) S.I. 2011/2749.

(3) In article 3 (application of sections 109 to 117 of the 2002 Act), for “Commission” substitute “CMA”.

(4) In article 4 (modification of provisions of the 2002 Act)—

(a) for paragraph (2) substitute—

“(2) In section 109—

(a) subsection (A1) is replaced by—

“(A1) For the purposes of this section, a permitted purpose is assisting the CMA in carrying out any functions exercisable by it in connection with an appeal made to it under section 59 of the Postal Services Act.”, and

(b) subsection (8A) is omitted.”,

(b) after paragraph (3), insert—

“(3A) After section 110(3), there is inserted—

“(3A) No penalty shall be imposed by virtue of subsection (1) or (3) if more than 4 weeks have passed since the determination by the CMA of the appeal concerned; but this subsection shall not apply in relation to any variation or substitution of the penalty which is permitted by virtue of this Part.”,

(c) in paragraph (5), “Commission” is replaced by “CMA”, and

(d) in paragraph (6), sub-paragraph (a) is replaced by —

“(a) the words “, OFCOM or the Secretary of State” are omitted,

(aa) the words “their functions” are replaced by “its functions”; and”

(5) In article 5 (extension of time limits), for “Commission” (in each place where it occurs), substitute “CMA”.

Postal Services Act 2011 (Disclosure of Information) Order 2012

46.—(1) The Postal Services Act 2011 (Disclosure of Information) Order 2012(a) is amended as follows.

(2) In article 3 (prescription of bodies and persons) -

(a) for “the Competition Commission” substitute “the Competition and Markets Authority”, and

(b) omit “the Office of Fair Trading”.

(3) In article 4 (prescription of enactments), after the entry for Schedule 7 to the Counter-Terrorism Act 2008, insert—

“Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013;”.

Green Deal Framework (Disclosure, Acknowledgment, Redress etc) Regulations 2012

47. In regulation 52 of the Green Deal Framework (Disclosure, Acknowledgment, Redress etc) Regulations 2012 (no sanctions without receipt of complaints information)(b), in paragraph (3), after sub-paragraph (d), insert—

“(e) the Competition and Markets Authority.”

Consumer Rights (Payment Surcharges) Regulations 2012

48.—(1) The Consumer Rights (Payment Surcharges) Regulations 2012(c) are amended as follows.

(a) S.I. 2012/1128, to which there are amendments not relevant to this Order.

(b) S.I. 2012/2079; amended by S.I. 2013/1881. There are other amending instruments but none is relevant to this Order.

(c) S.I. 2012/3110; amended by S.I. 2013/761.

- (2) In regulation 3 (other definitions)—
 - (a) omit the definition of “OFT”, and
 - (b) at the appropriate place, insert—
 - ““CMA” means the Competition and Markets Authority;”
- (3) In regulation 7 (complaints), for “OFT” (in each place where it occurs) substitute “CMA”.
- (4) In regulation 9 (notification of undertakings and orders to the OFT) and in the heading to that regulation, for “OFT” substitute “CMA”.

Operation of Air Services in the Community (Pricing etc) Regulations 2013

49.—(1) The Operation of Air Services in the Community (Pricing etc) Regulations 2013(a) are amended as follows.

- (2) In regulation 3 (interpretation), in paragraph (1)—
 - (a) omit the definition of “the OFT”, and
 - (b) insert, at the appropriate place—
 - ““the CMA” means the Competition and Markets Authority;”.
- (3) In regulation 4 (enforcers), for “OFT” substitute “CMA”.
- (4) In regulation 5 (duty to enforce)—
 - (a) in paragraph (1), for “each enforcer” substitute “the CAA”,
 - (b) after paragraph (1), insert—
 - “(1A) The CMA may also enforce Article 23.”, and
 - (c) in the heading, after “duty”, insert “and power”.

Official Statistics Order 2013

50. In the Schedule to the Official Statistics Order 2013(b), omit the entry relating to the Competition Commission.

PART 3

Amendments to Welsh and Northern Irish legislation

Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules (Northern Ireland) 2003

51. In Rule 1 of the Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules (Northern Ireland) 2003(c), in paragraph (3)(c) for “Office of Fair Trading” substitute “Competition and Markets Authority”.

Electricity Order 1992 (Amendment) Regulations (Northern Ireland) 2005

52. In the Electricity Order 1992 (Amendment) Regulations (Northern Ireland) 2005(d), in Regulation 15 (modification of existing licences), in paragraph (6), for “, the Office of Fair Trading or the Competition Commission” substitute “or the Competition and Markets Authority”.

(a) S.I. 2013/486.
 (b) S.I. 2013/1163, to which there are amendments not relevant to this Order.
 (c) S.R. 2003/358, as amended by S.R. 2005/517.
 (d) S.R. 2005/335.

Gas Order 1996 (Amendment) Regulations (Northern Ireland) 2006

53. In the Gas Order 1996 (Amendment) Regulations (Northern Ireland) 2006(a), in Regulation 15 (modification of existing licences), in paragraph (9), for “, the Office of Fair Trading or the Competition Commission” substitute “or the Competition and Markets Authority”.

Energy Order 2003 (Supply of Information) Regulations (Northern Ireland) 2008

54. In the Energy Order 2003 (Supply of Information) Regulations (Northern Ireland) 2008(b), in Regulation 5 (information whose disclosure would be affected by the application of other legislation), in paragraph (1)(b) for “Office of Fair Trading” substitute “Competition and Markets Authority”.

Welsh Language Schemes (Public Bodies) Order 2008

55. In the Schedule to the Welsh Language Schemes (Public Bodies) Order 2008(c), omit the entry for the Competition Commission.

National Assembly for Wales (Disqualification) Order 2010

56. In the National Assembly for Wales (Disqualification) Order 2010(d), in Part 1 of the Schedule (bodies the members of which are disqualified), omit the entries for the Office of Fair Trading and the Competition Commission.

Mobile Homes (Written Statement) (Wales) Regulations 2012

57.—(1) In the Mobile Homes (Written Statement) (Wales) Regulations 2012(e), in Part 1 of the Schedule (written statement under the Mobile Homes Act 1983 required to be given to a proposed occupier of a pitch), in paragraph 10, for “Office of Fair Trading” substitute “Competition and Markets Authority”.

(2) In the Welsh text, in Part 1 of the Schedule to the Mobile Homes (Written Statement) (Wales) Regulations 2012, in paragraph 10, for “Swyddfa Masnachu Teg” (“*Office of Fair Trading*”) substitute “Awdurdod Cystadlu a Marchnadoedd” (“*Competition and Markets Authority*”).

SCHEDULE 2

Article 3(10)

Transitional provision and savings

Merger Notices: The Enterprise Act 2002 (Merger Prenotification) Regulations 2003

1. The revocations made by paragraph 9(2), (5)(a) and (c) and (6) of Schedule 1 do not apply insofar as the continued application of the provisions so revoked is necessary for the purposes of or in consequence of paragraphs 4(2) or 6 of the Schedule to the Enterprise and Regulatory Reform Act 2013 (Commencement No. 6, Transitional Provisions and Savings) Order 2014(f).

(a) S.R. 2006/358.

(b) S.R. 2008/3.

(c) S.I. 2008/1890 (W. 179), to which there are amendments not relevant to this Order.

(d) S.I. 2010/2969, to which there are amendments not relevant to this Order.

(e) S.I. 2012/2675 (W. 289), to which there are amendments not relevant to this Order.

(f) S.I. 2014/416 (C. 17).

2. In their continued application by virtue of paragraph 1, regulations 8 to 11 of the Enterprise Act 2002 (Merger Prenotification) Regulations 2003^(a) are to have effect as if any references to the OFT were references to the CMA.

Water mergers: investigation powers

3. The amendments made by paragraph 22(19) and (20) of Schedule 1 do not apply in relation to any notice given before the commencement date under section 109 of the 2002 Act as applied by virtue of Schedule 4ZA to the Water Industry Act 1991^(b).

4. The amendments made by paragraph 22(5) and (6) of Schedule 1 do not apply in relation to any notice given before the commencement date under section 31 of the 2002 Act^(c) as applied by virtue of Schedule 4ZA to the Water Industry Act 1991.

Water mergers: undertakings

5. The amendment made by paragraph 22(13) of Schedule 1 does not apply in relation to undertakings accepted before the commencement date under section 71 of the 2002 Act^(d) as applied by virtue of Schedule 4ZA to the Water Industry Act 1991.

Postal services: investigation powers in connection with regulatory appeals

6. The amendments made by section 29 of the Act, to sections 109 to 111 of the 2002 Act, do not have effect in relation to those sections as applied by the Postal Services Act 2011 (Appeals to the Competition Commission) (Investigations and Extension of Time Limits) Order 2011^(e) in relation to any notice given under section 109 of the 2002 Act before the commencement date.

7. The amendments made by paragraph 51(3) and (4) of Schedule 1 do not apply in relation to any notice given before the commencement date under section 109 of the 2002 Act as applied by the Postal Services Act 2011 (Appeals to the Competition Commission) (Investigations and Extension of Time Limits) Order 2011.

(a) S.I. 2003/1369.

(b) 1991 c.56. Schedule 4ZA was inserted by paragraph 1 of Schedule 6 to the Enterprise Act 2002 and amended by section 36 of the Water Act 2003 (c. 37).

(c) Section 31 is repealed by paragraph 17 of Schedule 15 to the Enterprise and Regulatory Reform Act 2013.

(d) Section 71 is repealed by section 30 of the Enterprise and Regulatory Reform Act 2013.

(e) S.I. 2011/2749.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 25 of and Schedule 4 to the Enterprise and Regulatory Reform Act 2013 (“the Act”) provide for the creation of the Competition and Markets Authority (“CMA”). Section 26 of and Schedules 5 and 6 to the Act provide for the abolition of the Office of Fair Trading (“OFT”) and the Competition Commission (“the Commission”) and for the transfer of functions from the OFT and the Commission to the CMA.

Part 4 of the Act makes various changes to the competition functions which the CMA will assume. In particular, the Act amends Part 3 (mergers) and Part 4 (markets studies and market investigations) of the Enterprise Act 2002 (“the 2002 Act”).

This Order makes consequential amendments to secondary legislation in connection with the commencement of Parts 3 and 4 of the Act on 1st April 2014. A further Order under section 99 of the Act is being made to make equivalent amendments to primary legislation.

Article 1 provides for citation, commencement, interpretation and extent. Article 1(3) provides that the amendments and revocations in the Order have the same extent as the provision amended or repealed.

Article 2 gives effect to Schedule 1. Schedule 1 makes consequential amendments in connection with the abolition of the OFT and the Commission and the transfer of functions to the CMA by substituting the CMA for the OFT and the Commission in secondary legislation. It also makes amendments consequential on the amendments to competition law made under Part 4 of the Act.

In particular, Schedule 1 makes consequential amendments to the Water Mergers (Modification of Enactments) Regulations 2004 (S.I. 2004/3202) (“the 2004 Regulations”) in connection with the amendments made by the Act to the general regime for the regulation of mergers under Part 3 of the 2002 Act. Whilst Part 3 of the 2002 Act contains the main statutory scheme for the regulation of mergers, sections 32 to 35 of, and Schedule 4ZA to, the Water Industry Act 1991 (“the 1991 Act”) provide a separate scheme for the regulation of mergers between water or sewerage undertakers (“water mergers”) in England and Wales. Schedule 4ZA provides that Part 3 of the 2002 Act and related provisions in that Act apply to water mergers subject to prescribed modifications. The 2004 Regulations provide for relevant modifications. This Order amends the 2004 Regulations so that the modifications they make to Part 3 of 2002 Act as it applies to water mergers take account of the amendments to the general merger regime made by the Act.

Schedule 1 also makes consequential amendments in connection with the transfer to the CMA of the Commission’s role in hearing appeals in connection with regulatory matters in the postal services sector.

Article 3 and Schedule 2 make transitional and saving provision in connection with the transfer of functions from the OFT and the Commission to the CMA and the amendments to competition law made by the Act. Transitional provision and savings are also made, in relation to amendments made by the Act to the provisions of Part 3 of the 2002 Act applied by the 2004 Regulations in connection with water mergers, by the Enterprise and Regulatory Reform Act 2013 (Commencement No. 6, Transitional Provisions and Savings) Order 2014 (S.I. 2014/416 (C.17)). That Order also includes saving provisions relevant to the revocations of provisions of the Enterprise Act 2002 (Merger Prenotification) Regulations 2003 (S.I. 2003/1369).

The impact assessment completed for Parts 3 and 4 of the Enterprise and Regulatory Reform Bill, introduced to Parliament on 23rd May 2012, contains an assessment of the effect that the reforms to the competition regime will have on the costs of business and the public and voluntary sector and can be found at the website: <https://www.gov.uk/government/publications/strengthening-competition-and-creating-a-single-market-authority>.

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