

SCHEDULE 1

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(1) 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”.

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

2. In the Competition Act 1998 (Determination of Turnover for Penalties) Order 2000(2), 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(3) 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(4), 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”,

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

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

(3) [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.

(4) [S.I. 2000/2110](#); amended by [S.I. 2006/355](#).

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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(5) 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) 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(6) 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(7);”.

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- (5) [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.
 - (6) [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.
 - (7) [S.I. 2014/458](#)

- (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(8), 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(9), 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”.

Enterprise Act 2002 (Merger Prenotification) Regulations 2003

9.—(1) The Enterprise Act 2002 (Merger Prenotification) Regulations 2003(10) 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(11), in article 3 (criteria for designation), in sub-paragraph (f), for “OFT” substitute “CMA”.

(8) [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.

(9) [S.I. 2003/1368](#), to which there are amendments not relevant to this Order.

(10) [S.I. 2003/1369](#).

(11) [S.I. 2003/1399](#), to which there are amendments not relevant to this Order.

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Enterprise Act 2002 (Anticipated Mergers) Order 2003

11. In article 4 of the Enterprise Act 2002 (Anticipated Mergers) Order 2003⁽¹²⁾, 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⁽¹³⁾, 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⁽¹⁴⁾ 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).
- (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⁽¹⁵⁾ 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”.

⁽¹²⁾ S.I. 2003/1595.

⁽¹³⁾ S.I. 2004/1078.

⁽¹⁴⁾ S.I. 2004/1261, to which there are amendments not relevant to this Order.

⁽¹⁵⁾ S.I. 2004/2068.

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⁽¹⁶⁾, 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⁽¹⁷⁾ 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⁽¹⁸⁾ is amended as follows.

(2) In article 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 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⁽¹⁹⁾, 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⁽²⁰⁾, 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).

⁽¹⁶⁾ S.I. 2004/3233.

⁽¹⁷⁾ S.I. 2005/37; amended by S.I. 2006/355.

⁽¹⁸⁾ S.I. 2005/2751; amended by S.I. 2006/355.

⁽¹⁹⁾ S.I. 2006/354.

⁽²⁰⁾ S.I. 2006/355.

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

20. In the Enterprise Act 2002 (Enforcement Undertakings) (No 2) Order 2006(21), 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(22), 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(23) 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”,

(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)—

(21) [S.I. 2006/3095](#).

(22) [S.I. 2007/2193](#).

(23) [S.I. 2004/3202](#), to which there are amendments not relevant to this Order.

- (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

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- (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⁽²⁴⁾ 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”.

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

(24) [S.I. 2004/3206](#), to which there are amendments not relevant to this Order.