

SCHEDULE 1

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

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(1), 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(2), 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(3) 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”.

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

(2) [S.I.1999/1549](#), to which there are amendments not relevant to this Order.

(3) [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.

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- (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”.
- (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(4), 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(5) 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”.

(4) [S.I. 1997/3032](#), amended by [S.I. 2003/1398](#).

(5) [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.

(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”.

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(6), 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(7) 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(8) is amended as follows.

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

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- (6) [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.
 - (7) [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.
 - (8) [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.

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- (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”.

Electricity and Gas Appeals (Designation and Exclusion) Order 2005

32. In the Electricity and Gas Appeals (Designation and Exclusion) Order 2005⁽⁹⁾, 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⁽¹⁰⁾—
- (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⁽¹¹⁾ 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)—

⁽⁹⁾ [S.I. 2005/1646](#).

⁽¹⁰⁾ [S.I. 2007/3544](#), to which there are amendments not relevant to this Order.

⁽¹¹⁾ [S.I. 2008/1276](#); amended by [S.I. 2013/783](#). There is another amending instrument but it is not relevant to this Order.

- (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⁽¹²⁾ 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 19, in paragraph (1A), for “OFT” substitute “CMA”.

Payment Services Regulations 2009

36.—(1) The Payment Services Regulations 2009⁽¹³⁾ 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”.

⁽¹²⁾ [S.I. 2008/1277](#); amended by [S.I. 2013/783](#). There is another amending instrument but it is not relevant to this Order.

⁽¹³⁾ [S.I. 2009/209](#), to which there are amendments not relevant to this Order.

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(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(14), Schedule 1 (specified public authorities)—

- (a) for “the Competition Commission” substitute “the Competition and Markets Authority;”, and
- (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(15) 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—

(14) [S.I. 2009/214](#), to which there are amendments not relevant to this Order.

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

- (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(16), 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;”.

Regulation of Investigatory Powers (Communications Data) Order 2010

40. In the Regulation of Investigatory Powers (Communications Data) Order 2010(17), 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(18), 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(19), 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(20), 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

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

(17) S.I. 2010/480, to which there are amendments not relevant to this Order.

(18) S.I. 2010/521, to which there are amendments not relevant to this Order.

(19) S.I. 2010/828, to which there are amendments not relevant to this Order.

(20) S.I. 2011/122, to which there are amendments not relevant to this Order.

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occupier of a pitch)(21), 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(22) 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.””

(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(23) 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

(21) [S.I. 2011/1006](#), to which there are amendments not relevant to this Order.

(22) [S.I. 2011/2749](#).

(23) [S.I. 2012/1128](#), to which there are amendments not relevant to this Order.

(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)(24), 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(25) are amended as follows.

(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(26) 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(27), omit the entry relating to the Competition Commission.

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

(25) [S.I. 2012/3110](#); amended by [S.I. 2013/761](#).

(26) [S.I. 2013/486](#).

(27) [S.I. 2013/1163](#), to which there are amendments not relevant to this Order.

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