

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 the Enterprise Act 2002

18.—(1) Schedule 24 (transitional and transitory provisions and savings)(1) is amended as follows.

(2) Omit paragraphs 1 and 3 to 5.

(3) In paragraph 15 (transitional provisions regarding enforcement undertakings and orders)—

(a) after sub-paragraph (2), insert—

“(2A) Subject to sub-paragraph (3), the functions of the CMA under section 94(6) as applied by virtue of sub-paragraph (1) or (2) are to be carried out on its behalf by the CMA Board (within the meaning of Schedule 4 to the Enterprise and Regulatory Reform Act 2013).”, and

(b) in sub-paragraph (3), in the wording after paragraph (b), for “the Commission” substitute “a group constituted for the purpose by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013”.

(4) In paragraph 16 (powers to supersede, vary or release undertakings)—

(a) in sub-paragraphs (2) and (3), for “relevant authority” (in each place where it occurs) substitute “CMA”,

(b) in sub-paragraph (4), for “OFT” substitute “CMA”,

(c) in sub-paragraph (5), for “relevant authority” substitute “CMA”, and

(d) for sub-paragraph (6) substitute—

“(6) The functions of the CMA under this paragraph are to be carried out on its behalf—

(a) in the case of an undertaking accepted in pursuance of a proposal under section 56A of the 1973 Act or an undertaking under section 56F or 75G of that Act, by the CMA Board (within the meaning of Schedule 4 to the Enterprise and Regulatory Reform Act 2013), and

(b) in the case of an undertaking accepted under section 88 of that Act, by a group constituted for the purpose by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013.”

(5) In paragraph 17—

(a) in sub-paragraph (1), for “Commission” substitute “CMA”,

(b) in sub-paragraph (2), for “OFT” substitute “CMA”,

(c) in sub-paragraph (3)—

(i) for “Commission” substitute “CMA”, and

(ii) for the words from “sub-paragraph (1)” to “sub-paragraph (2),” substitute “sub-paragraphs (1) and (2)”,

(d) in sub-paragraph (4)—

(1) There is an amendment to Schedule 24 but it is not relevant to this Order.

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- (i) for “Commission” substitute “CMA”, and
- (ii) for the words from “sub-paragraph (1)” to “sub-paragraph (2),” substitute “sub-paragraphs (1) and (2)”,
- (e) in sub-paragraph (5), for “Commission or the OFT” substitute “CMA”, and
- (f) after sub-paragraph (5) insert—
 - “(6) The functions of the CMA under this paragraph are to be carried out on its behalf—
 - (a) in the case of an order under sub-paragraph (1), by a group constituted for the purpose by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, and
 - (b) in the case of an order under sub-paragraph (2), by the CMA Board (within the meaning of Schedule 4 to the Enterprise and Regulatory Reform Act 2013).”
- (6) In paragraph 18—
 - (a) after sub-paragraph (1), insert—
 - “(1A) Subject to sub-paragraph (2), the functions of the CMA under section 94(6) as applied by virtue of sub-paragraph (1) are to be carried out on its behalf by the CMA Board (within the meaning of Schedule 4 to the Enterprise and Regulatory Reform Act 2013).”
 - (b) in sub-paragraph (2)—
 - (i) for “the Commission” (where it first appears) substitute “a group constituted by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 (“CMA group””,
 - (ii) for “it” substitute “a CMA group”,
 - (iii) for “the Commission” (where it next appears) substitute “a CMA group”.