

## 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 Acts of Parliament

#### Civil Aviation Act 2012

**197.**—(1) Section 60 (functions under Part 4 of the Enterprise Act 2002) is amended as follows.

(2) In subsection (1)—

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

(3) In subsection (2)—

- (a) for “OFT’s” substitute “CMA’s”,
- (b) after “investigations)” insert “, other than functions under sections 166, 171 and 174E,”,
- (c) for “they” substitute—  
“those functions—
  - (a) are exercisable by the CMA Board (within the meaning of Schedule 4 to the Enterprise and Regulatory Reform Act 2013), and

(b)”,  
and

(d) omit “, other than functions under sections 166 and 171”.

(4) In subsection (3)—

- (a) for “OFT” substitute “CMA”, and
- (b) for “and 171” substitute “, 171 and 174E”.

(5) After subsection (3) insert—

“(3A) References to section 5 of the Enterprise 2002 in Part 4 of that Act must be read as including a reference to section 64(1) of this Act.”

(6) In subsection (4)—

- (a) omit “subsection (3) applies”,
- (b) in paragraph (a), for “only so far as it is” substitute “subsections (3) and (3A) apply only so far as they are”, and
- (c) in paragraph (b), at the beginning, insert “subsection (3) applies”.

(7) After subsection (4) insert—

“(4A) Section 130A of the Enterprise Act 2002 is to have effect in its application to the CAA by virtue of subsections (1) and (2)—

- (a) as if for subsection (1) of that section there were substituted—  
“(1) Where the Civil Aviation Authority—

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) is proposing to carry out its functions under section 64(1) of the Civil Aviation Act 2012 in relation to a matter for the purposes mentioned in subsection (2), and
- (b) considers that the matter is one in respect of which it would be appropriate for the Authority to exercise its powers under section 174 (investigation) in connection with deciding whether to make a reference under section 131,

the Authority must publish a notice under this section (referred to in this Part as a “market study notice”).”, and

- (b) as if in subsection (2)(a) of that section, for “the acquisition or supply of goods or services of one or more than one description in the United Kingdom” there were substituted “the provision of airport operation services (within the meaning given by section 68 of the Civil Aviation Act 2012)”.”