
STATUTORY INSTRUMENTS

2019 No. 1245

**The Competition (Amendment etc.) (EU Exit)
(No. 2) Regulations 2019 (expired—not approved)**

PART 4

Amendment of Part 4 of the 2019 Regulations

14. Part 4 of the 2019 Regulations is amended as follows.

Amendment of Schedule 1: amendment of other primary legislation

15. Schedule 1 is amended as follows.

16. Before paragraph 1 and the heading to that paragraph (but after the heading “Amendment of other primary legislation”) insert—

“Registered Designs Act 1949

A1.—(1) Section 11AB of the Registered Designs Act 1949^{M1} is amended as follows.

(2) In subsection (1)—

(a) after “83(2),” insert “ 84C(2), ”;

(b) after “investigations” insert “ , or in respect of retained EU merger commitments ”.

(3) In subsection (6)(a), after “75(2)” insert “ or 84C(2) ”.

(4) In subsection (8), after “92(1)(a),” insert “ 92A(1), ”.

(5) In the heading after “investigations” insert “ or in respect of retained EU merger commitments ”.

Patents Act 1977

B1.—(1) Section 50A of the Patents Act 1977^{M2} is amended as follows.

(2) In subsection (1)—

(a) after “83(2),” insert “ 84C(2), ”;

(b) after “investigations” insert “ , or in respect of retained EU merger commitments ”.

(3) In subsection (5)(a), after “75(2)” insert “ or 84C(2) ”.

(4) In subsection (7), after “92(1)(a),” insert “ 92A(1), ”.

(5) In the heading after “investigations” insert “ or in respect of retained EU merger commitments ”.

Competition Act 1980

C1.—(1) Section 11B(1A) ^{M3} of the Competition Act 1980 is amended as follows.

(2) In paragraph (a)—

(a) for “paragraphs (a) and (b)” substitute “ paragraphs (a) to (c) ”;

(b) omit the “and” at the end.

(3) After paragraph (b), insert—

“, and

(c) subsections (8B) and (8C) were omitted.”.”.

Marginal Citations

M1 1949 c. 88; [section 11AB](#) was inserted by paragraph 1 of Schedule 25 to the Enterprise Act 2002 and amended by [S.I. 2014/892](#).

M2 1977 c. 37; [section 50A](#) was inserted by paragraph 8 of Schedule 25 to the Enterprise Act 2002 and amended by [S.I. 2014/892](#).

M3 1980 c. 21; [section 11B](#) was inserted by paragraph 10 of Schedule 25 to the Enterprise Act 2002 and amended by [S.I. 2014/892](#).

17. For paragraph 2 substitute—

“Gas Act 1986

2.—(1) The Gas Act 1986 ^{M4} is amended as follows.

(2) In section 27(1ZA) ^{M5}—

(a) omit the “or” at the end of paragraph (a);

(b) after paragraph (a) insert—

“(aa) an order under section 84C of that Act made in relation to a retained EU merger commitment if one or more persons who gave the commitment was engaged in the carrying on of activities authorised or regulated by a licence at the time the commitment was given; or”.

(3) In section 36A(3) ^{M6}—

(a) at the end of paragraph (a), insert “ or ”;

(b) omit paragraphs (c) and (d).

(4) In section 41EB(1A)(b) ^{M7}, for “subsection (8A)” substitute “ subsections (8A), (8B) and (8C) ”.”.

Marginal Citations

M4 1986 c. 46.

M5 Subsections (1) and (1ZA) of section 27 were substituted for subsection (1) as originally enacted by paragraph 4 of Schedule 9 to the Enterprise Act 2002 and subsequently amended by paragraphs 15 and 22 of Schedule 6 to the Enterprise and Regulatory Reform Act 2013 and [S.I. 2014/892](#).

- M6** Section 36A was inserted by paragraph 43 of Schedule 3 to the [Gas Act 1995 \(c. 45\)](#); subsection (3) was substituted by section 54(2) and paragraph 3(5) of Schedule 10 to the Competition Act 1998, further substituted by [S.I. 2004/1261](#), and subsequently amended by paragraph 2 of Schedule 15 to the Enterprise and Regulatory Reform Act 2013 and by [S.I. 2014/892](#).
- M7** Section 41EB was inserted by paragraph 15 of Schedule 25 to the Enterprise Act 2002; subsection (1A) was subsequently inserted by [S.I. 2014/892](#).

18. After paragraph 2 insert—

“Copyright, Designs and Patents Act 1988

2A.—(1) The Copyright, Designs and Patents Act 1988 ^{M8} is amended as follows.

(2) In the italic heading before section 144 ^{M9}, after “report” insert “ or in respect of retained EU merger commitments ”.

(3) In section 144—

(a) in subsection (1)—

(i) after “83(2),” insert “ 84C(2), ”;

(ii) after “investigations” insert “ , or in respect of retained EU merger commitments ”;

(b) in subsection (2), after “84(2)(a),” insert “ 84C(4), ”;

(c) in the heading after “Authority” insert “ or in respect of retained EU merger commitments ”.

(4) In section 238 ^{M10}—

(a) in subsection (1)—

(i) after “83(2),” insert “ 84C(2), ”;

(ii) after “investigations etc” insert “ , or in respect of retained EU merger commitments ”;

(b) in subsection (2), after “84(2)(a),” insert “ 84C(4), ”.

(5) In paragraph 17 of Schedule 2A ^{M11}—

(a) in subsection (1)—

(i) after “83(2),” insert “ 84C(2), ”;

(ii) after “investigations etc” insert “ , or in respect of retained EU merger commitments ”;

(b) in subsection (2), after “84(2)(a),” insert “ 84C(4), ”;

(c) in the heading after “report” insert “ or in respect of retained EU merger commitments ”.

Marginal Citations

M8 1988 c 48.

M9 Subsections (1), (1A) and (2) of section 144 were substituted for subsections (1) and (2) as originally enacted by paragraph 18 of Schedule 25 to the Enterprise Act 2002 and subsequently amended by [S.I. 2014/892](#).

- M10** Subsections (1), (1A) and (2) of section 238 were substituted for subsections (1) and (2) as originally enacted by paragraph 18 of Schedule 25 to the Enterprise Act 2002 and subsequently amended by [S.I. 2014/892](#).
- M11** [Schedule 2A](#) was inserted by [S.I. 1996/2967](#) and paragraph 17 was subsequently amended by paragraph 18 of Schedule 25 to the Enterprise Act 2002 and [S.I. 2014/892](#).

19. For paragraph 3 substitute—

“Electricity Act 1989

- 3.**—(1) The Electricity Act 1989 ^{M12} is amended as follows.
- (2) In section 15(2) ^{M13}—
- (a) omit the “or” at the end of paragraph (a);
- (b) after paragraph (a) insert—
- “(aa) an order under section 84C of that Act made in relation to a retained EU merger commitment if one or more persons who gave the commitment was engaged in the carrying on of activities authorised or regulated by a licence at the time the commitment was given; or”.
- (3) In section 43(3) ^{M14}—
- (a) at the end of paragraph (a), insert “ or ”;
- (b) omit paragraphs (c) and (d).
- (4) In section 56CB(1A)(b) ^{M15}, for “subsection (8A)” substitute “ subsections (8A), (8B) and (8C) ”.

Marginal Citations

- M12** 1989 c. 29.
- M13** Subsection (2) of section 15 was substituted by paragraph 5 of Schedule 9 to the Enterprise Act 2002.
- M14** [Section 43\(3\)](#) was substituted by section 54(2) and paragraph 4 of Schedule 10 to the Competition Act 1998, further substituted by [S.I. 2004/1261](#), and subsequently amended by section 147(1) and (5) of the [Energy Act 2004 \(c. 20\)](#), [paragraph 3](#) of Schedule 15 to the Enterprise and Regulatory Reform Act 2013, and by [S.I. 2012/1809](#) and [S.I. 2014/892](#).
- M15** [Section 56CB](#) was inserted by paragraph 20 of Schedule 25 to the Enterprise Act 2002; subsection (1A) was subsequently inserted by [S.I. 2014/892](#).

20. After paragraph 3 insert—

“Broadcasting Act 1990

- 3A.**—(1) Section 193 of the Broadcasting Act 1990 ^{M16} is amended as follows.
- (2) In subsection (2)—
- (a) omit the “or” at the end of paragraph (a);
- (b) after paragraph (a) insert—
- “(aa) an order under section 84C of that Act made in relation to a retained EU merger commitment if one or more persons who gave

the commitment was engaged in the provision of programmes for broadcasting in regional Channel 3 services at the time the commitment was given; or”.

Marginal Citations

M16 1990 c. 42; section 193 was amended by paragraph 6 of Schedule 9 to the Enterprise Act 2002, paragraph 65 of Schedule 15 to the Communications Act 2003 and by SI 2014/892.

21. For paragraph 4 substitute—

“Water Industry Act 1991

4.—(1) The Water Industry Act 1991 ^{M17} is amended as follows.

(2) In section 14B(1A)(b) ^{M18}, for “subsection (8A)” substitute “ subsections (8A), (8B) and (8C) ”.

(3) In section 16B(6A)(b) ^{M19}, for “subsection (8A)” substitute “ subsections (8A), (8B) and (8C) ”.

(4) In section 17(2) ^{M20}—

(a) omit the “or” at the end of paragraph (a);

(b) after paragraph (a) insert—

“(aa) an order under section 84C of the 2002 Act made in relation to a retained EU merger commitment if one or more persons who gave the commitment was a relevant undertaker at the time the commitment was given; or”.

(5) In section 17M(1A)(b) ^{M21}, for “subsection (8A)” substitute “ subsections (8A), (8B) and (8C) ”.

(6) In section 17Q(6A)(b) ^{M22}, for “subsection (8A)” substitute “ subsections (8A), (8B) and (8C) ”.

(7) In section 17R(2) ^{M23}—

(a) omit the “or” at the end of paragraph (a);

(b) after paragraph (a) insert—

“(aa) an order under section 84C of that Act made in relation to a retained EU merger commitment if one or more persons who gave the commitment was engaged in the carrying on of activities authorised or regulated by a water supply licence or sewerage licence at the time the commitment was given; or”.

(8) In section 31(3) ^{M24}—

(a) at the end of paragraph (a), insert “ or ”;

(b) omit paragraphs (c) and (d)”.

Marginal Citations

M17 1991 c. 56.

- M18** Section 14B was inserted by paragraph 25 of Schedule 25 to the Enterprise Act 2002; subsection (1A) was subsequently inserted by S.I. 2014/892.
- M19** Section 16B was inserted by section 55 of the [Water Act 2003 \(c. 37\)](#); subsection (1A) was subsequently inserted by S.I. 2014/892.
- M20** Subsection (2) of section 17 was substituted by paragraph 7 of Schedule 9 to the Enterprise Act 2002.
- M21** Section 17M was inserted by paragraphs 1 and 2 of Schedule 4 to the Water Act 2003; subsection (1A) was subsequently inserted by S.I. 2014/892.
- M22** Section 17Q was inserted by paragraphs 1 and 2 of Schedule 4 to the Water Act 2003; subsection (6A) was subsequently inserted by S.I. 2014/892.
- M23** Section 17R was inserted by paragraphs 1 and 2 of Schedule 4 to the Water Act 2003 and subsection (2) was subsequently amended by paragraphs 2 and 25 of Schedule 7 to the Water Act 2014; there is another amendment to section 17R(2) but it is not relevant to these Regulations.
- M24** Section 31(3) was substituted by S.I. 2004/1261 and subsequently amended by section 36(3) of the Water Act 2003, paragraphs 4 and 5 of Schedule 15 to the Enterprise and Regulatory Reform Act 2013, and by S.I. 2012/1809 and S.I. 2014/892.

22. For paragraph 5 substitute—

“Electricity (Northern Ireland) Order 1992

5.—(1) The Electricity (Northern Ireland) Order 1992 ^{M25} is amended as follows.

(2) In Article 18(2) ^{M26}—

- (a) omit the “or” at the end of sub-paragraph (a);
- (b) after sub-paragraph (a) insert—

“(aa) an order under section 84C of that Act made in relation to a retained EU merger commitment if one or more persons who gave the commitment was engaged in the carrying on of activities authorised or regulated by a licence at the time the commitment was given; or”.

(3) In Article 46(3) ^{M27}—

- (a) at the end of sub-paragraph (a), insert “ or ”;
- (b) omit sub-paragraphs (c) and (d).”.

Marginal Citations

M25 [S.I. 1992/231 \(N.I. 1\)](#).

M26 [Article 18](#) was amended by paragraph 9 of Schedule 9 to the Enterprise Act 2002 and paragraph 156 of Schedule 6 to the Enterprise and Regulatory Reform Act 2013; there are other amendments to article 18 but none is relevant to these Regulations.

M27 Relevant amending instruments are [S.I. 2004/1261](#), 2014/892, S.R. [2011 No. 155](#), and paragraph 53 of Schedule 15 to the Enterprise and Regulatory Reform Act 2013.

23. For paragraph 6 substitute—

“Railways Act 1993

6.—(1) The Railways Act 1993 ^{M28} is amended as follows.

- (2) In section 13B(1A)(b)^{M29}, for “subsection (8A)” substitute “ subsections (8A), (8B) and (8C) ”.
- (3) In section 15C(2DA)(b)^{M30}, for “subsection (8A)” substitute “ subsections (8A), (8B) and (8C) ”.
- (4) In section 16(2)^{M31}—
- (a) omit the “or” at the end of paragraph (a);
 - (b) after paragraph (a) insert—
 - “(aa) an order under section 84C of that Act made in relation to a retained EU merger commitment if one or more persons who gave the commitment was engaged in the supply of services relating to railways at the time the commitment was given; or”.
- (6) In section 67(3)^{M32}—
- (a) at the end of paragraph (a), insert “ or ”;
 - (b) omit paragraphs (c) and (d).
- (7) In paragraph 10A(1A)(b) of Schedule 4A^{M33}, for “subsection (8A)” substitute “ subsections (8A), (8B) and (8C) ”.

Marginal Citations

M28 1993 c. 43.

M29 Section 13B was inserted by paragraph 30 of Schedule 25 to the Enterprise Act 2002; subsection (1A) was subsequently inserted by [S.I. 2014/892](#).

M30 Section 15C was inserted by section 242 of the [Transport Act 2000 \(c. 38\)](#); subsections (1), (2) and (2A)–(2I) were substituted for subsections (1) and (2) as originally enacted by paragraph 30 of Schedule 25 to the Enterprise Act 2002 and subsection (2DA) was subsequently inserted by [S.I. 2014/892](#).

M31 Section 16 was amended by paragraph 10 of Schedule 9 to the Enterprise Act 2002, paragraphs 69 and 78 of Schedule 6 to the Enterprise and Regulatory Reform Act 2013; there are other amendments to article 18 but none is relevant to these Regulations.

M32 Subsection (3) and (3A) were substituted for subsection (3) as originally enacted by section 54(2) and paragraph 6(5) of Schedule 10 to the Competition Act 1998, further substituted by [S.I. 2004/1261](#), and subsequently amended by paragraph 7 of Schedule 15 to the Enterprise and Regulatory Reform Act 2013 and by [S.I. 2012/1809](#), [S.I. 2014/892](#) and [S.I. 2015/1682](#).

M33 Schedule 4A was inserted by Schedule 24 to the Transport Act 2000; paragraphs 10 and 10A were substituted for paragraph 10 as originally enacted by paragraph 30 of Schedule 25 to the Enterprise Act 2002 and sub-paragraph (1A) was subsequently inserted by [S.I. 2014/892](#).

24. For paragraph 7 substitute—

“Gas (Northern Ireland) Order 1996

- 7.—(1) The Gas (Northern Ireland) Order 1996^{M34} is amended as follows.
- (2) In Article 18(1A)^{M35}—
- (a) omit the “or” at the end of sub-paragraph (a);
 - (b) after sub-paragraph (a) insert—

“(aa) an order under section 84C of that Act made in relation to a retained EU merger commitment if one or more persons who gave the commitment was engaged in the carrying on of activities authorised or regulated by a licence at the time the commitment was given; or”.

(3) In Article 23(3) ^{M36}—

- (a) at the end of sub-paragraph (a), insert “ or ”;
- (b) omit sub-paragraphs (c) and (d).”.

Marginal Citations

M34 [S.I. 1996/275 \(N.I. 2\)](#).

M35 [Article 18](#) was amended by paragraph 13 of Schedule 9 to the Enterprise Act 2002 and paragraph 165 of Schedule 6 to the Enterprise and Regulatory Reform Act 2013 and [S.R. 2013/92](#); there are other amendments to article 18 but none is relevant to these Regulations.

M36 Relevant amending instruments are [S.I. 2004/1261](#), 2014/892 and paragraph 54 of Schedule 15 to the Enterprise and Regulatory Reform Act 2013.

25. In paragraph 9, after sub-paragraph (1) insert—

“(1A) In section 12B(1A)(b) ^{M37}, for “subsection (8A)” substitute “ subsections (8A), (8B) and (8C) ”.

(1B) In section 18(6A)(b) ^{M38}, for “subsection (8A)” substitute “ subsections (8A), (8B) and (8C) ”.

(1C) In section 19(2) ^{M39}—

- (a) omit the “or” at the end of paragraph (a);
- (b) after paragraph (a) insert—

“(aa) an order under section 84C of that Act made in relation to a retained EU merger commitment if one or more persons who gave the commitment was engaged in the provision of air traffic services at the time the commitment was given; or”.

Marginal Citations

M37 [2000 c. 38; section 12B](#) was inserted by paragraph 44 of Schedule 25 to the Enterprise Act 2002; subsection (1A) was subsequently inserted by [S.I. 2014/892](#).

M38 [Section 18](#) was substituted by paragraph 44 of Schedule 25 to the Enterprise Act 2002; subsection (6A) was subsequently inserted by [S.I. 2014/892](#).

M39 [Section 19](#) was amended by paragraph 15 of Schedule 9 to the Enterprise Act 2002, paragraphs 85 and 95 of Schedule 6 to the Enterprise and Regulatory Reform Act 2013; there are other amendments to section 19 but none is relevant to these Regulations.

26. After paragraph 11 insert—

“Energy (Northern Ireland) Order 2003

11A.—(1) Schedule 2 to the Energy (Northern Ireland) Order 2003 ^{M40} is amended as follows.

(2) In paragraph 5(1A)(b)^{M41}, for “subsection (8A)” substitute “ subsections (8A), (8B) and (8C) ”.”.

Marginal Citations

M40 [S.I. 2003/419 \(N.I. 6\)](#).

M41 Sub-paragraph (1A) was inserted by [S.I. 2014/892](#).

27. For paragraph 12 substitute—

“Water and Sewerage Services (Northern Ireland) Order 2006

12.—(1) The Water and Sewerage Services (Northern Ireland) Order 2006^{M42} is amended as follows.

(2) In Article 23(1A)(b)^{M43}, for “subsection (8A)” substitute “ subsections (8A), (8B) and (8C) ”.

(3) In Article 27(6A)(b)^{M44}, for “subsection (8A)” substitute “ subsections (8A), (8B) and (8C) ”.

(4) In Article 29(3)^{M45}—

(a) at the end of sub-paragraph (a), insert “ or ”;

(b) omit sub-paragraphs (c) and (d).”.

Marginal Citations

M42 [S.I. 2006/3336 \(N.I. 21\)](#).

M43 Paragraph (1A) was inserted by [S.I. 2014/892](#); there are other amendments to Article 23 but none is relevant.

M44 Paragraph (6A) was inserted by [S.I. 2014/892](#); there are other amendments to Article 23 but none is relevant.

M45 Paragraph (3) was amended by [S.I. 2014/892](#); there are other amendments to Article 23 but none is relevant.

28. For paragraph 13 substitute—

“Health and Social Care Act 2012

13.—(1) The Health and Social Care Act 2012^{M46} is amended as follows.

(2) In section 72(2), omit paragraphs (c) and (d).

(3) In section 102(4), after paragraph (b) insert—

“(ba) an order under section 84C of that Act made in relation to a retained EU merger commitment if one or more persons who gave the commitment was engaged in the provision of health care services for the purposes of the NHS at the time the commitment was given;”.

(4) In paragraph 10(2A)(b)^{M47} of Schedule 10, for “subsection (8A)” substitute “ subsections (8A), (8B) and (8C) ”.”.]

Changes to legislation: *There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) (No. 2) Regulations 2019 (expired—not approved), PART 4. (See end of Document for details)*

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Marginal Citations

M46 [2012 c. 7.](#)

M47 Sub-paragraph (2A) was inserted by [S.I. 2014/892.](#)

Changes to legislation:

There are currently no known outstanding effects for the The Competition (Amendment etc.) (EU Exit) (No. 2) Regulations 2019 (expired—not approved), PART 4.