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STATUTORY INSTRUMENTS

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**2019 No. 93**

**The Competition (Amendment etc.) (EU Exit) Regulations 2019**

**PART 3**

**Amendment of the Enterprise Act 2002**

- 32.** The Enterprise Act 2002(1) is amended as follows.
- 33.** In section 16(6)(2), for the definition of “infringement issue” substitute—
- ““infringement issue” means any question relating to whether or not an infringement of the Chapter I prohibition or the Chapter II prohibition has been or is being committed;”.
- 34.**—(1) Section 22(3) is amended as follows.
- (2) In subsection (3)—
- (a) at the end of paragraph (c), insert “or”;
- (b) omit paragraphs (e) and (f).
- (3) Omit subsection (3A).
- 35.** In section 25(4)—
- (a) omit subsections (6), (7) and (8);
- (b) in subsection (10)(b), for “subsections (2), (4) and (6)” substitute “subsections (2) and (4)”.
- 36.**—(1) Section 33(5) is amended as follows.
- (2) In subsection (3)—
- (a) at the end of paragraph (c), insert “or”;
- (b) omit paragraphs (e) and (f).
- (3) Omit subsection (3A).
- 37.** In section 34(1)(b), for “, 59(2) or 67(2)” substitute “or 59(2)”.
- 38.** In section 34ZA(6), omit subsection (5).
- 39.** In section 34ZB, omit subsections (5) and (8).

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(1) 2002 c. 40.

(2) The definition of “infringement issue” in section 16(6) was amended by [S.I. 2012/1809](#).

(3) Section 22 was amended by section 406(7) of, and Schedule 19 to, the Communications Act 2003 (c. 21), paragraphs 59 and 67 of Schedule 5, and paragraphs 1 and 2 of Schedule 8, to the Enterprise and Regulatory Reform Act 2013 and [S.I. 2004/1079](#); there are other amendments to section 22 but none is relevant to these Regulations.

(4) Section 25 was amended by paragraphs 59 and 70 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013 and [S.I. 2004/1079](#); there are other amendments to section 25 but none is relevant to these Regulations.

(5) Section 33 was amended by section 406(7) of, and Schedule 19 to, the Communications Act 2003, paragraphs 59 and 72 of Schedule 5, and paragraphs 1 and 3 of Schedule 8, to the Enterprise and Regulatory Reform Act 2013 and [S.I. 2004/1079](#); there are other amendments to section 33 but none is relevant to these Regulations.

(6) Sections 34ZA to 34ZC were inserted by paragraphs 1 and 4 of Schedule 8 to the Enterprise and Regulatory Reform Act 2013.

- 40.**—(1) Section 34ZC is amended as follows.
- (2) In subsection (1), for “subsections (1), (4) or (5)” substitute “subsections (1) or (4)”.
- (3) In subsection (3), for “section 34ZB(1), (4), or (5)” substitute “section 34ZB(1) or (4)”.
- (4) In subsection (4)(b), for “one or more of subsections (1) and (5)” substitute “subsection (1)”.
- 41.** Omit section 34A(7) (and the italic heading before it).
- 42.**—(1) Section 42(8) is amended as follows.
- (2) In subsection (1)(d)—
- (a) in sub-paragraph (i)—
- (i) for “section 22(3)(za), (a) or (e)” substitute “section 22(3)(za) or (a)”;
- (ii) for “33(3)(za), (a) or (e)” substitute “33(3)(za) or (a)”;
- (b) omit sub-paragraph (ii) and the “or” before it.
- (3) In subsection (6)—
- (a) in paragraph (b), omit “, (6) and (8)”;
- (b) in paragraph (f), for “after the word “(4)” there were inserted “, (5A)”” substitute “for “and (4)” there were substituted “, (4) and (5A)””.
- 43.** In section 46(9)—
- (a) in subsection (1), omit paragraphs (b) and (c);
- (b) omit subsection (1A).
- 44.** Omit sections 46A(10) and 46B (and the italic heading before section 46A).
- 45.** In section 58(11)—
- (a) in subsection (2), omit the words from “; and in this subsection” to the end;
- (b) in subsection (2D), omit the words from “(other than” to the end.
- 46.** In section 59(6)(c)(12), omit “, (6) and (8)”.
- 47.** Omit sections 67(13) and 68(14) (and the italic heading before section 67).
- 48.** In section 73A(1)(15), omit paragraph (b) and the “or” before it.
- 49.** In section 99(5)—

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- (7) Section 34A was inserted by [S.I. 2004/1079](#) and subsequently amended by paragraphs 59 and 73 of Schedule 5, and paragraphs 15 and 19 of Schedule 15, to the Enterprise and Regulatory Reform Act 2013 and by [S.I. 2011/1043](#).
- (8) Section 42 was amended by paragraphs 59 and 82 of Schedule 5, and paragraphs 15 and 21 of Schedule 15, to the Enterprise and Regulatory Reform Act 2013, [S.I. 2004/1079](#) and [S.I. 2011/1043](#).
- (9) Section 46 was amended by section 406(7) of, and Schedule 19 to, the Communications Act 2003, paragraphs 59 and 86 of Schedule 5 to, and paragraphs 15 and 22 of Schedule 15 to, the Enterprise and Regulatory Reform Act 2013 and [S.I. 2004/1079](#).
- (10) Sections 46A and 46B were inserted by [S.I. 2004/1079](#) and subsequently amended by paragraphs 59 and 87 of Schedule 5, and paragraphs 15 and 23 of Schedule 15, to the Enterprise and Regulatory Reform Act 2013 and by [S.I. 2011/1043](#).
- (11) Section 58(2) was amended by [S.I. 2004/1079](#) and subsection (2D) of that section was inserted by [S.I. 2008/2645](#); there are other amendments to section 58 but none is relevant to these Regulations.
- (12) Section 59(6) was amended by paragraphs 59 and 101 of Schedule 5, and paragraphs 15 and 26 of Schedule 15, to the Enterprise and Regulatory Reform Act 2013; there are other amendments to section 59 but none is relevant to these Regulations.
- (13) Section 67 was amended by paragraph 16 of Schedule 16 to, and section 406(7) of, and Schedule 19 to, the Communications Act 2003, paragraphs 59 and 110 of Schedule 5, and paragraphs 15 and 28 of Schedule 15 to, the Enterprise and Regulatory Reform Act 2013, [S.I. 2004/1079](#) and [S.I. 2011/1043](#).
- (14) Section 68 was amended by paragraph 17 of Schedule 16 to, and section 406(7) of, and Schedule 19 to, the Communications Act 2003, paragraphs 59 and 111 of Schedule 5, and paragraphs 15 and 29 of Schedule 15 to the Enterprise and Regulatory Reform Act 2013 and by [S.I. 2004/1079](#) and [S.I. 2011/1043](#).
- (15) Section 73A was inserted by paragraphs 1 and 7 of Schedule 8 to the Enterprise and Regulatory Reform Act 2013.

- (a) at the end of paragraph (b), insert “or”;
  - (b) omit paragraph (d)(16) and the “or” before it.
- 50.** In section 107(1)(17), omit paragraphs (ae), (af), (ag) and (ah).
- 51.**—(1) Section 110B(18) is amended as follows.
- (2) In subsection (1), omit paragraph (e).
  - (3) In subsection (2), omit paragraph (e).
  - (4) In subsection (3), omit paragraph (d).
  - (5) In subsection (4), omit paragraph (d).
- 52.** Omit section 122(19).
- 53.**—(1) Section 124(20) is amended as follows.
- (2) In subsection (4), omit “68,”.
  - (3) In subsection (5), for “, 59(5) and 67(7)” substitute “and 59(5)”.
  - (4) In subsection (6), omit “68,”.
- 54.** In section 129(1)(21)—
- (a) omit the definition of “EU law”;
  - (b) omit the definition of “the EC Merger Regulation”.
- 55.** In section 130(22), in the table—
- (a) omit the entry for “EU law”;
  - (b) omit the entry for “EC Merger Regulation”;
  - (c) in the entry for “Public interest consideration”, in the second column, for “Sections 42(3) and 67(9)” substitute “Section 42(3)”.
- 56.** In section 153(2)(23), omit the words from “; and in this subsection” to the end.
- 57.** In section 171(24), omit subsections (6) and (11).
- 58.** Omit section 209(25).
- 59.** Omit section 240(26).

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- (16) Section 99(5) was amended by paragraphs 59 and 133 of Schedule 5, paragraphs 1 and 8 of Schedule 8, and paragraphs 15 and 35 of Schedule 15, to the Enterprise and Regulatory Reform Act 2013 and by [S.I. 2004/1079](#).
  - (17) Paragraphs (ae), (af), (ag) and (ah) were inserted by paragraphs 15 and 36 of Schedule 15 to the Enterprise and Regulatory Reform Act 2013; there are other amendments to section 107(1) but none is relevant to these Regulations.
  - (18) Section 110B was inserted by section 29(11) of the Enterprise and Regulatory Reform Act 2013.
  - (19) Section 122 was amended by [S.I. 2004/1079](#), [S.I. 2011/1043](#) and paragraphs 59 and 157 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013.
  - (20) Section 124 was amended by paragraph 24 of Schedule 16 to the Communications Act 2003, section 31 of, and paragraphs 1 and 13 of Schedule 8 to, the Enterprise and Regulatory Reform Act 2013.
  - (21) The definition of “the EC Merger Regulation” was inserted by [S.I. 2004/1079](#) and the definition of “EU law” was amended by [S.I. 2011/1043](#); there are other amending instruments, but none is relevant to these Regulations.
  - (22) The entry for “EC Merger Regulation” was inserted by [S.I. 2004/1079](#) and the entry for “EU law” was amended by [S.I. 2011/1043](#); there are other amendments to section 130 but none is relevant to these Regulations.
  - (23) Section 153(2) was amended by [S.I. 2004/1079](#).
  - (24) Section 171(6) was amended by paragraphs 59 and 201 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013 and [S.I. 2011/1043](#); subsection (11) of that section was also amended by [S.I. 2011/1043](#).
  - (25) Section 209 was amended by [S.I. 2011/1043](#) and [S.I. 2012/1809](#).
  - (26) Section 240 was amended by [S.I. 2011/1043](#).