

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

Health and Social Care Act 2012

189.—(1) Section 73 (functions under Part 4 of the Enterprise Act 2002) is amended as follows.

(2) In subsection (1), for “Office of Fair Trading” substitute “CMA”.

(3) In subsection (2)—

(a) for “and 171” substitute “, 171 and 174E”,

(b) for “Office of Fair Trading” substitute “CMA”, and

(c) for “relating to” 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) relate to”.

(4) In subsection (3)—

(a) for “(1) and (2), references” substitute—

“(1) and (2)—

(a) references”,

(b) for “Office of Fair Trading” substitute “CMA”, and

(c) for “166 and 171.” substitute—

“166, 171 and 174E;

(b) references in that Part to section 5 of the Enterprise Act 2002 are to be construed as including references to paragraph 14 of Schedule 8 to this Act.”

(5) After subsection (3) insert—

“(3A) Section 130A of the Enterprise Act 2002 is to have effect in its application in relation to Monitor by virtue of subsections (1) and (2)—

(a) as if for subsection (1) of that section there were substituted—

“(1) Where Monitor—

(a) is proposing to carry out its functions under paragraph 14 of Schedule 8 to the Health and Social Care 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 it to exercise its powers under section 174 (investigation) in connection with deciding whether to make a reference under section 131,

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

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(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 has or may have effects adverse to consumers” there were substituted “activities which concern the provision of health care services in England (within the meaning given by section 64 of the Health and Social Care Act 2012) has or may have effects adverse to the interests of people who use those services”.

(6) In subsections (4) to (6), for “Office of Fair Trading” (in each place where it occurs) substitute “CMA”.