

EXPLANATORY NOTES

ENTERPRISE AND REGULATORY REFORM ACT 2013

INTRODUCTION

SUMMARY

OVERVIEW OF THE STRUCTURE OF THE ACT

TERRITORIAL EXTENT AND APPLICATION

COMMENTARY ON SECTIONS

PART 1: UK GREEN INVESTMENT BANK PLC

Summary and Background

Section 1: The green purposes

Section 2: Designation of the UK Green Investment Bank

Section 3: Alteration of the objects of the UK Green Investment Bank

Section 4: Financial assistance

Section 5: Accounts, reports and payments to directors

Section 6: Documents to be laid before Parliament

PART 2: EMPLOYMENT

Summary and Background

Conciliation

Summary and Background

Section 7: Conciliation before institution of proceedings

Section 8: Extension of limitation periods to allow for conciliation

Section 9: Extended power to define “relevant proceedings” for conciliation purposes

Acas

Section 10: ACAS: prohibition on disclosure of information

Procedure for deciding tribunal cases

Summary and Background

Section 11: Decisions by legal officers

Section 12: Composition of Employment Appeal Tribunal

Unfair Dismissal

Summary and Background

Section 13: Dismissal for political opinions: no qualifying period of employment

Section 14: Confidentiality of negotiations before termination of employment

Section 15: Power by order to increase or decrease limit of compensatory award

Financial penalties

Summary and Background

Section 16: Power of employment tribunal to impose financial penalty on employers etc

Protected disclosures

Summary and Background

Section 17: Disclosures not protected unless believed to be made in the public interest

Section 18: Power to reduce compensation where disclosure not made in good faith

Section 19: Worker subjected to detriment by co-worker or agent of employer

Section 20: Extension of meaning of “worker”

Miscellaneous

Summary and Background

Section 21: Tribunal Procedure: Miscellaneous

Section 22: Indexation of amounts: timing and rounding

Section 23: Renaming of “compromise agreements”, “compromise contracts” and “compromises”

General

Section 24: Transitional provision

Part 3: the Competition and Markets Authority and Part 4: Competition Reform

Background to Parts 3 and 4 of the Act

The competition framework

PART 3: THE COMPETITION AND MARKETS AUTHORITY

Section 25: The Competition and Markets Authority

Schedule 4: The Competition and Markets Authority

PART 1: GENERAL

Membership

Appointment and re-appointment

Status

Chief executive and other staff

Annual plan

Performance report

Concurrency report

Documents

Members of committees and sub-committees

Additional Powers

Consequential amendments (Public records, Parliamentary Commissioner, Disqualification, Freedom of information, and Equality)

PART 2: THE COMPETITION AND MARKET AUTHORITY BOARD

PART 3: THE COMPETITION AND MARKET AUTHORITY PANEL

PART 4: INTERPRETATION AND TRANSITIONAL AND TRANSITORY PROVISION

Section 26: Abolition of the Competition Commission and the Office of Fair Trading

Section 27: Transfer schemes

Section 28: Transitional provision: consultation

Schedule 5: Amendments related to Part 3

**PART 1: TRANSFER OF FUNCTIONS UNDER THE
COMPETITION ACT 1998 TO THE COMPETITION AND
MARKETS AUTHORITY**

**PART 2: TRANSFER OF FUNCTIONS UNDER THE
ENTERPRISE ACT 2002 TO THE COMPETITION AND
MARKETS AUTHORITY**

General functions

**Competition and Markets Authority's powers to take interim
action on anti-trust**

**Competition and Markets Authority's functions in relation to
mergers**

**Competition and Markets Authority's functions in relation to
markets**

**Competition and Market Authority's functions in relation to
cartels**

Interpretation

PART 3: ABOLITION OF THE COMPETITION COMMISSION

PART 4: ABOLITION OF THE OFFICE OF FAIR TRADING

Schedule 6: Regulatory appeals etc: minor and consequential amendments

Summary and Background

PART 4: COMPETITION REFORM

Chapter 1: Mergers

Summary and Background

Investigatory powers

Section 29: Investigation powers: mergers

Interim measures

Section 30: Interim measures: pre-emptive action: mergers and
Schedule 7 Mergers: Interim Measures

Section 31: Interim measures: financial penalties: mergers

Time limits

Section 32: Time-limits etc: mergers and Schedule 8: Mergers:
time-limits

Chapter 2: Markets

Summary and Background

Cross-market investigations

Section 33: Power of Competition and Markets Authority to make cross-market references and Section 34: Ministerial power to make cross-market references

Schedule 9: Markets: cross-market references

Public interest interventions

Section 35: Public interest interventions in markets investigations and Schedule 10: Markets: public interest interventions

Investigatory powers

Section 36: Investigation powers: markets

Schedule 11: Investigatory powers: markets

Interim measures

Section 37: Interim measures: pre-emptive action: markets

Time limits and procedure

Section 38: Market studies and market investigations: consultation and time-limits and Schedule 12: Markets: time-limits

Chapter 3: Anti-Trust

Summary and Background

Investigation powers

Section 39: Investigations: power to ask questions

Section 40: Civil enforcement of investigation powers

Section 41: Extension of powers to issue warrants to the Competition Appeal Tribunal and Schedule 13: Extension of powers to issue warrants under the Competition Act 1998 to the Competition Appeal Tribunal

Section 42: Part 1 of the Competition Act 1998: procedural matters

Interim measures and other sanctions

Section 43: Threshold for interim measures

Section 44: Penalties; guidance etc.

Miscellaneous

Section 45: Power for Secretary of State to impose time-limits on investigations etc.

Section 46: Review of operation of Part 1 of the Competition Act 1998

Chapter 4: Cartels

Summary and Background

Section 47: Cartel offence

Section 48: Extension of power to issue warrants to the Competition Appeal Tribunal

Chapter 5: Miscellaneous

Enforcement orders: markets and mergers

Section 49: Enforcement orders: monitoring compliance and determination of disputes

Section 50: Enforcement orders: provision of information

Concurrency

Summary and Background

Section 51: Powers of sectoral regulators and Schedule 14: Regulators: use of powers under 1998 Act

Section 52: Power to remove concurrent competition functions of sectoral regulators

Section 53: Orders under section 52: procedural requirements

Miscellaneous

Section 54: Recovery of CMA's costs in respect of price control references

Section 55: Disclosure etc. of information: offences

Section 56: Review of certain provisions of Chapters 1 and 2

Section 57: Minor and consequential amendments and Schedule 15: Minor and consequential amendments: Part 4

Schedule 15: Minor and Consequential Amendments

PART 5: REDUCTION OF LEGISLATIVE BURDENS

Sunset and review

Section 59: Sunset and review provisions

Heritage planning etc.

Section 60: Listed buildings in England: agreements and orders granting listed building consent

Heritage partnership agreements

Listed building consent orders

Schedule 16: Local listed building consent orders: procedure

Section 61: Listed buildings in England: certificates of lawfulness

Section 62: Osborne estate

Section 63 and Schedule 17: Heritage planning regulation

Conservation area consent in England

Listing of buildings of special architectural or historic interest in England

Certificates of immunity from listing

Equality Acts

Section 64: Commission for Equality and Human Rights

Section 65: Equality Act 2010: third party harassment of employees

Section 66: Equality Act 2010: obtaining information for proceedings

Regulatory Enforcement and Sanctions Act 2008

Section 67: Primary authorities

Section 68: Inspection plans

Miscellaneous Civil liability for breach of health and safety duties

Summary and background

Section 69: Civil liability for breach of health and safety duties

Estate Agents etc.

Summary and Background

Section 70: Estate agency work

Adjudicators

Summary and Background

Section 71 and Schedules 18 and 19: Adjudicators: bankruptcy applications by debtors and bankruptcy orders

Agricultural Wages Board

Section 72 and Schedule 20: Agricultural Wages Board

Section 73, Schedule 21: Unnecessary regulation: miscellaneous

Part 1, Schedule 21: Notification of TV sales etc.

Part 2, Schedule 21: Water undertakers: in-area ban

Part 3, Schedule 21: Bankruptcy early discharge procedure

PART 6: MISCELLANEOUS AND GENERAL

Copyright and rights in performances

Section 74: Exploitation of design derived from artistic work

Section 75: Penalties under provision amending exceptions: copyright and rights in performances

Section 76: Power to reduce duration of copyright in transitional cases

Section 77: Licensing of copyright and performers' rights and Schedule 22: Licensing of copyright and performers' rights

Part 1, Schedule 22: Regulation of licensing bodies

Codes of Practice

Licensing code ombudsman

Code reviewer

Sanctions

Fees

General

Part 2, Schedule 22: Performers' rights

Section 78: Penalties under provision implementing Directive on term of protection

Payments to directors of quoted companies

Summary and Background

Section 79: Members' approval of directors' remuneration policy

Section 80: Restrictions on payments to directors

Section 81: Payments to directors: minor and consequential amendments

Section 82: Payments to directors: transitional provision

Redress schemes for lettings agency work and property management work

Summary and Background

Section 83: Redress schemes: lettings agency work

Section 84: Redress schemes: property management work

Section 85: Orders under section 83 or 84: enforcement

Section 87: Approval of redress schemes for the purposes of section 83 or 84

Section 88: Redress schemes: supplemental

Supply of customer data

Summary and Background

Section 89: Supply of customer data

Section 90: Supply of customer data: enforcement

Section 91: Supply of customer data: supplemental

Insolvency: protection of essential supplies

Section 92: Power to add to supplies protected under the Insolvency Act 1986

Section 93: Corporate insolvency: power to give further protection to essential supplies

Section 94: Individual insolvency: power to give further protection to essential supplies

Section 95: Sections 93 and 94: supplemental

Royal Charters

Section 96: Royal Charters: requirements for Parliamentary approval

Caste as an aspect of race

Section 97: Equality Act 2010: caste as an aspect of race

Equal Pay Audit

Section 98: Power to provide for equal pay audits

General

Section 99: Consequential amendments, repeals and revocations

Section 102: Extent

COMMENCEMENT

HANSARD REFERENCE