

SCHEDULES

SCHEDULE 4

THE COMPETITION AND MARKETS AUTHORITY

PART 2

THE CMA BOARD

Membership

- 27 The CMA Board is to consist of—
- (a) the chair;
 - (b) the members appointed under paragraph 1(1)(b) to membership of the CMA Board.

Functions

- 28 Except where otherwise provided by or under any enactment, the functions of the CMA are exercisable by the CMA Board on behalf of the CMA.

Delegation

- 29 (1) Anything that the CMA Board is required or permitted to do (including conferring authorisation under this sub-paragraph) may be done by—
- (a) a member of the CMA Board, or a member of staff of the CMA, who has been authorised for that purpose by the CMA Board, whether generally or specifically;
 - (b) a committee or sub-committee of the CMA Board that has been so authorised.
- (2) Sub-paragraph (1) does not apply to the functions of deciding—
- (a) whether the duty to publish a market study notice under section 130A of the Enterprise Act 2002 applies;
 - (b) whether to propose to make, or to make, a reference under section 131 of that Act;
 - (c) for the purposes of the requirement imposed by section 131A(2)(b) of that Act, whether the CMA is proposing to make a decision as to whether to make a reference under section 131 of that Act in a way that is likely to have a substantial impact on the interests of any person;
 - (d) whether section 140A of that Act applies in respect of a particular case;
 - (e) whether to accept an undertaking under section 154 of that Act, or to vary or supersede or release an undertaking under that section;

Status: This is the original version (as it was originally enacted).

- (f) for the purposes of the requirement imposed by section 169(2) of that Act, whether the CMA is proposing to make a decision to make a reference under section 131 of that Act in a way that is likely to have a substantial impact on the interests of any person.
 - (3) Sub-paragraph (1)(b) does not apply to a committee or sub-committee whose members include any person who is not a member of the CMA or of its staff.
- 30 Paragraph 29(1) is subject to provision in rules made under section 51 of the Competition Act 1998, by virtue of paragraph 1A of Schedule 9 to that Act, in respect of the exercise of a function of the CMA under Part 1 of that Act.

Proceedings

- 31 (1) The CMA Board may regulate its own proceedings.
- (2) The CMA Board must consult the Secretary of State before making or revising rules and procedures, under sub-paragraph (1), for dealing with—
- (a) conflicts of interest, or
 - (b) quorum.

Validity

- 32 The validity of anything done by the CMA Board is not affected by—
- (a) a vacancy;
 - (b) a defective appointment.

Reference of matter to the chair

- 33 (1) This paragraph applies where the CMA Board is to consider whether a matter should be referred to the chair for the constitution of a group under this Schedule.
- (2) Before the CMA Board considers whether to refer the matter to the chair, the chair must determine whether a person who is a member of the CMA Board might reasonably be expected to be a member of a group constituted in connection with the matter.
- (3) If the chair determines that a person who is a member of the CMA Board might reasonably be expected to be a member of such a group, that person is not to participate in the CMA Board's consideration of whether to refer the matter to the chair.