

SCHEDULES

SCHEDULE 5

AMENDMENTS RELATED TO PART 3

PART 1

TRANSFER OF FUNCTIONS UNDER THE 1998 ACT TO THE CMA

- 1 The Competition Act 1998 is amended as follows.
- 2 In section 6 (block exemptions), in subsections (1) and (6), for “OFT” (in each place where it occurs) substitute “CMA”.
- 3 In section 8 (block exemptions: procedure), in subsections (1) to (3) and (5), for “OFT” (in each place where it occurs) substitute “CMA”.
- 4 In section 10 (parallel exemptions), in subsections (5), (7) and (8), for “OFT” (in each place where it occurs) substitute “CMA”.
- 5 (1) Section 25 (power to investigate) is amended as follows.
 - (2) In subsections (1) and (8) to (11), for “OFT” (in each place where it occurs) substitute “CMA”.
 - (3) In the heading, for “OFT” substitute “CMA”.
- 6 In section 26 (powers when conducting investigations), in subsections (1) and (5), for “OFT” (in each place where it occurs) substitute “CMA”.
- 7 In section 27 (power to enter business premises without a warrant), in subsections (1) and (3), for “OFT” (in each place where it occurs) substitute “CMA”.
- 8 (1) Section 28 (power to enter business premises under a warrant) is amended as follows.
 - (2) In subsection (1)(b)(i), for “OFT” substitute “CMA”.
 - (3) In subsection (2)—
 - (a) for “OFT” (in each place where it occurs) substitute “CMA”, and
 - (b) for “OFT’s” substitute “CMA’s”.
- 9 In section 28A (power to enter domestic premises under a warrant), in subsections (1)(b)(i) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 10 In section 31 (decisions following an investigation), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 11 In section 31A (commitments), in subsections (1) to (4), for “OFT” (in each place where it occurs) substitute “CMA”.
- 12 In section 31B (effect of commitments under section 31A), in subsections (1) to (5), for “OFT” (in each place where it occurs) substitute “CMA”.

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- 13 In section 31C (review of commitments), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 14 In section 31D (guidance), in subsections (1) to (3), (5), (6) and (8), for “OFT” (in each place where it occurs) substitute “CMA”.
- 15 In section 31E (enforcement of commitments), in subsection (1), for “OFT” (in each place where it occurs) substitute “CMA”.
- 16 In section 32 (directions in relation to agreements), in subsection (1), for “OFT” substitute “CMA”.
- 17 In section 33 (directions in relation to conduct), in subsection (1), for “OFT” substitute “CMA”.
- 18 In section 34 (enforcement of directions), in subsection (1), for “OFT” substitute “CMA”.
- 19 In section 35 (interim measures), in subsections (1) to (4), (8) and (9), for “OFT” (in each place where it occurs) substitute “CMA”.
- 20 In section 36 (penalties), in subsections (1) to (5), (8) and (9), for “OFT” (in each place where it occurs) substitute “CMA”.
- 21 In section 37 (recovery of penalties), in subsection (1), for “OFT” (in each place where it occurs) substitute “CMA”.
- 22 In section 38 (the appropriate level of a penalty), in subsections (1) to (3), (5), (6), (8) and (9), for “OFT” (in each place where it occurs) substitute “CMA”.
- 23 In section 39 (limited immunity in relation to the Chapter 1 prohibition), in subsections (3) to (5) and (8), for “OFT” (in each place where it occurs) substitute “CMA”.
- 24 In section 40 (limited immunity in relation to the Chapter 2 prohibition), in subsections (3) to (5) and (8), for “OFT” (in each place where it occurs) substitute “CMA”.
- 25 In section 44 (false or misleading information), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 26 In section 46 (appealable decisions), in subsections (1) to (3), for “OFT” (in each place where it occurs) substitute “CMA”.
- 27 In section 47 (third party appeals), in subsection (1), for “OFT” (in each place where it occurs) substitute “CMA”.
- 28 In section 47A (monetary claims before Tribunal), in subsections (6) and (7), for “OFT” (in each place where it occurs) substitute “CMA”.
- 29 In section 50 (vertical agreements and land agreements), in subsection (3), for “OFT” substitute “CMA”.
- 30 In the cross-heading preceding section 51, for “OFT’s” substitute “CMA’s”.
- 31 (1) Section 51 (rules) is amended as follows.
- (2) In subsection (1), for “OFT” substitute “CMA”.
- (3) In subsection (2), for “OFT’s” substitute “CMA’s”.
- (4) In subsections (3) and (5) to (10), for “OFT” (in each place where it occurs) substitute “CMA”.

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- 32 (1) Section 52 (advice and information) is amended as follows.
- (2) In subsection (1), for the words from the beginning to “the Director” substitute “The CMA”.
- (3) In subsection (1A), for the words from the beginning to “the OFT” substitute “The CMA”.
- (4) In subsections (2) to (6) and (8), for “OFT” (in each place where it occurs) substitute “CMA”.
- 33 In section 54 (regulators), in subsections (2), (5) and (7), for “OFT” (in each place where it occurs) substitute “CMA”.
- 34 In section 57 (defamation), for “OFT” substitute “CMA”.
- 35 In the cross-heading preceding section 58, for “OFT” substitute “CMA”.
- 36 (1) Section 58 (findings of fact) is amended as follows.
- (2) In subsection (1), for “an OFT’s” substitute “a CMA’s”.
- (3) In subsection (2)—
- (a) for “an OFT’s” substitute “a CMA’s”, and
- (b) for “OFT” (in each place where it occurs) substitute “CMA”.
- (4) In subsection (3), for “OFT” substitute “CMA”.
- (5) In the heading, for “OFT” substitute “CMA”.
- 37 In section 58A (findings of infringements), in subsections (3) and (4), for “OFT” (in each place where it occurs) substitute “CMA”.
- 38 (1) Section 59 (interpretation of Part 1) is amended as follows.
- (2) In subsection (1)—
- (a) after the definition of “the Chapter II prohibition” insert—
- ““the CMA” means the Competition and Markets Authority;”, and
- (b) omit the definition of “the OFT”.
- (3) In subsection (4), for “OFT” substitute “CMA”.
- 39 In section 60 (principles to be applied in determining questions), in subsection (4), for “OFT” (in each place where it occurs) substitute “CMA”.
- 40 In section 61 (interpretation of Part 2), in subsection (1)—
- (a) after the definition of “books and records” insert—
- ““the CMA” means the Competition and Markets Authority;”, and
- (b) omit the definition of “the OFT”.
- 41 In section 62 (power to enter business premises under a warrant: Article 20 inspections), in subsections (5) and (10), for “OFT” (in each place where it occurs) substitute “CMA”.
- 42 In section 62A (power to enter non-business premises under a warrant: Article 21 inspections), in subsections (3) to (5), and (12), for “OFT” (in each place where it occurs) substitute “CMA”.
- 43 In section 62B (powers when conducting Article 22(2) inspection), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.

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- 44 In section 63 (power to enter business premises under a warrant: Article 22(2) inspections), in subsections (1)(a), (2) to (5) and (10), for “OFT” (in each place where it occurs) substitute “CMA”.
- 45 (1) Section 65C (interpretation of Part 2A) is amended as follows.
- (2) In subsection (1), in the definition of “Article 22(1) investigation”, for “OFT” substitute “CMA”.
- (3) In subsection (2)—
- (a) after the entry for “Article 82” insert—
“the CMA”, and
- (b) omit the entry for “the OFT”.
- (4) In subsection (4), for “OFT” substitute “CMA”.
- 46 In section 65D (power to conduct an Article 22(1) investigation), in subsection (1), for “OFT” substitute “CMA”.
- 47 In section 65E (powers when conducting Article 22(1) investigations), in subsections (1) and (5), for “OFT” (in each place where it occurs) substitute “CMA”.
- 48 In section 65F (power to enter business premises without a warrant), in subsections (1) and (3), for “OFT” (in each place where it occurs) substitute “CMA”.
- 49 In section 65G (power to enter business premises under a warrant), in subsections (1)(b)(i) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 50 In section 65H (power to enter domestic premises under a warrant), in subsections (1)(b)(i) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 51 In section 65N (false or misleading information), in subsections (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
- 52 In section 75A (rules in relation to Parts 2 and 2A), in subsections (1) to (8), for “OFT” (in each place where it occurs) substitute “CMA”.
- 53 (1) Schedule 1 (exclusions: mergers and concentrations) is amended as follows.
- (2) In paragraph 4, in sub-paragraphs (1) to (5), for “OFT” (in each place where it occurs) substitute “CMA”.
- (3) In paragraph 5, for “OFT” (in each place where it occurs) substitute “CMA”.
- 54 In Schedule 2 (exclusions: other competition scrutiny), in Part 3, in paragraph 5(3) (a), for “Director” substitute “CMA”.
- 55 (1) Schedule 3 (general exclusions) is amended as follows.
- (2) In paragraph 9, in sub-paragraphs (3) to (7), for “OFT” (in each place where it occurs) substitute “CMA”.
- 56 (1) Schedule 6A (commitments) is amended as follows.
- (2) In paragraph 1, for “OFT” substitute “CMA”.
- (3) In paragraph 2—
- (a) in sub-paragraph (1), for “OFT” substitute “CMA”, and
- (b) in sub-paragraph (2)—

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- (i) for “OFT” (in each place where it occurs) substitute “CMA”, and
 - (ii) for “OFT’s” substitute “CMA’s”.
- (4) In paragraph 3, in sub-paragraph (1), for “OFT” substitute “CMA”.
 - (5) In paragraph 4, for “OFT” (in each place where it occurs) substitute “CMA”.
 - (6) In paragraph 5, for “OFT” substitute “CMA”.
 - (7) In paragraph 6, for “OFT” substitute “CMA”.
 - (8) In paragraph 7, for “OFT” (in each place where it occurs) substitute “CMA”.
 - (9) In paragraph 8, for “OFT” (in each place where it occurs) substitute “CMA”.
 - (10) In paragraph 10, for “OFT” substitute “CMA”.
 - (11) In paragraph 11, in sub-paragraph (1), for “OFT” substitute “CMA”.
 - (12) In paragraph 12, for “OFT” substitute “CMA”.
 - (13) In paragraph 13, for “OFT” substitute “CMA”.
 - (14) In paragraph 14, for “OFT” (in each place where it occurs) substitute “CMA”.
- 57 (1) Schedule 8 (appeals) is amended as follows.
- (2) In paragraph 2, in sub-paragraph (2), for “OFT’s” substitute “CMA’s”.
 - (3) In paragraph 3, in sub-paragraphs (2) and (3), for “OFT” (in each place where it occurs) substitute “CMA”.
 - (4) In paragraph 3A, in sub-paragraph (3), for “OFT” substitute “CMA”.
- 58 (1) Schedule 9 (rules under section 51) is amended as follows.
- (2) In the heading, for “OFT’s” substitute “CMA’s”.
 - (3) In paragraph 1, for “OFT” substitute “CMA”.
 - (4) In paragraph 5, in sub-paragraphs (1) and (2), for “OFT” (in each place where it occurs) substitute “CMA”.
 - (5) In paragraph 8, for “OFT” (in each place where it occurs) substitute “CMA”.
 - (6) In paragraph 9, for “OFT” (in each place where it occurs) substitute “CMA”.
 - (7) In paragraph 11, for “OFT” substitute “CMA”.
 - (8) In paragraph 12, in sub-paragraph (1)—
 - (a) for “OFT” substitute “CMA”, and
 - (b) for “OFT’s” substitute “CMA’s”.
 - (9) In paragraph 13—
 - (a) for “OFT” substitute “CMA”, and
 - (b) for “OFT’s” substitute “CMA’s”.
 - (10) In paragraph 14, for “OFT” substitute “CMA”.