

Changes to legislation: There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Cross Heading: Health and Social Care Act 2012 (c. 7). (See end of Document for details)

SCHEDULES

SCHEDULE 6

REGULATORY APPEALS ETC: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO ACTS

Health and Social Care Act 2012 (c. 7)

127 The Health and Social Care Act 2012 is amended as follows.

Commencement Information

II Sch. 6 para. 127 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

128 (1) Section 101 (licence condition modification references) is amended as follows.

(2) In subsection (2)—

- (a) for “Competition Commission” substitute “ CMA ”, and
- (b) for “the Commission” substitute “ the CMA ”.

(3) In subsection (4)—

- (a) for “Competition Commission” substitute “ CMA ”, and
- (b) for “the Commission” substitute “ the CMA ”.

(4) After subsection (4) insert—

“(4A) The functions of the CMA with respect to a reference under this section are to be carried out on behalf of the CMA by a group constituted for the purpose by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 (including functions relating to the making of changes following a report on a reference, and functions under sections 109 to 115 of the Enterprise Act 2002, as applied by paragraph 10 of Schedule 10).”

(5) In subsections (5) and (6), for “Competition Commission” (in each place where it occurs) substitute “ CMA ”.

(6) In the heading, for “Competition Commission” substitute “ CMA ”.

Commencement Information

I2 Sch. 6 para. 128 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- 129 In section 102 (modification of conditions by order under other enactments), in subsection (1), for “Office of Fair Trading, Competition Commission” substitute “CMA”.

Commencement Information

I3 Sch. 6 para. 129 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 130 In section 103 (standard condition as to transparency of certain criteria), in subsection (3)—
- (a) in paragraph (b), for “Competition Commission” substitute “CMA”, and
 - (b) in paragraph (c), for “Office of Fair Trading, Competition Commission” substitute “CMA”.

Commencement Information

I4 Sch. 6 para. 130 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 131 (1) Section 120 (responses to consultation on proposals for national tariff) is amended as follows.
- (2) In subsections (1) and (4), for “Competition Commission” (in each place where it occurs) substitute “CMA”.
 - (3) In subsection (5), omit the words from the beginning to “instead.”.
 - (4) After subsection (5), insert—
 - “(5A) Except where specified otherwise in Schedule 12, the functions of the CMA with respect to a reference under this section (including functions relating to the making of changes following a determination on a reference) are to be carried out on behalf of the CMA by a group constituted for the purpose by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013.”

Commencement Information

I5 Sch. 6 para. 131 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 132 (1) Section 121 (determination on reference under section 120) is amended as follows.
- (2) In subsections (1) to (3), for “Competition Commission” (in each place where it occurs) substitute “CMA”.
 - (3) In subsections (4) to (6) and (8) to (10), for “Commission” (in each place where it occurs) substitute “CMA”.

Commencement Information

I6 Sch. 6 para. 132 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- 133 In section 122 (changes following determination on reference under section 120), in subsections (1) and (2), for “Competition Commission” (in each place where it occurs) substitute “ CMA ”.

Commencement Information

I7 Sch. 6 para. 133 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 134 (1) Section 123 (power to veto changes proposed under section 122) is amended as follows.
- (2) In subsection (1), for “Competition Commission” substitute “ CMA ”.
- (3) In subsection (3), for “Commission” substitute “ CMA ”.
- (4) In subsection (4), for “Competition Commission” substitute “ CMA ”.
- (5) In subsections (5) to (7), for “Commission” (in each place where it occurs) substitute “ CMA ”.

Commencement Information

I8 Sch. 6 para. 134 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 135 (1) Section 142 (responses to consultation on proposal to impose a levy) is amended as follows.
- (2) In subsections (1) and (4), for “Competition Commission” (in each place where it occurs) substitute “ CMA ”.
- (3) After subsection (4) insert—
- “(4A) The functions of the CMA with respect to a reference under this section are to be carried out on behalf of the CMA by a group constituted for the purpose by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 (including functions relating to the making of changes following a report on a reference, and functions under sections 109 to 115 of the Enterprise Act 2002, as applied by paragraph 10 of Schedule 10).”
- (4) In subsections (5) and (7), for “Competition Commission” (in each place where it occurs) substitute “ CMA ”.

Commencement Information

I9 Sch. 6 para. 135 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 136 (1) Section 149 (electronic communications) is amended as follows.
- (2) In subsection (2)—
- (a) for “Competition Commission” substitute “ CMA ”, and
- (b) for “the Commission” substitute “ the CMA ”.
- (3) In subsections (3) and (4), for “Competition Commission” (in each place where it occurs) substitute “ CMA ”.

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Commencement Information

I10 Sch. 6 para. 136 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

137 In section 150 (interpretation etc. of Part 3), in subsection (1), after the definition of “anti-competitive behaviour” insert—

““the CMA” means the Competition and Markets Authority;”.

Commencement Information

I11 Sch. 6 para. 137 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

138 (1) Schedule 10 (references by Monitor under section 101 or 142) is amended as follows.

(2) In the heading, for “Competition Commission” substitute “ CMA ”.

(3) In paragraph 1—

(a) in sub-paragraph (1), for “Competition Commission” substitute “ CMA ”, and

(b) in sub-paragraph (2), for “the Commission” substitute “ the CMA ”.

(4) In paragraph 2, for “Competition Commission” substitute “ CMA ”.

(5) In paragraph 4—

(a) in sub-paragraph (1)—

(i) for “Competition Commission” substitute “ CMA ”, and

(ii) for “the Commission” (in each place where it occurs) substitute “ the CMA ”, and

(b) in sub-paragraph (2), for “Commission” substitute “ CMA ”.

(6) In paragraph 5—

(a) in sub-paragraph (1), for “Competition Commission” substitute “ CMA ”,

(b) in sub-paragraph (3), for “Commission” substitute “ CMA ”, and

(c) in sub-paragraph (4), for “Competition Commission” substitute “ CMA ”.

(7) In paragraph 6—

(a) in sub-paragraph (1), for “Competition Commission” substitute “ CMA ”,

(b) in sub-paragraph (2)—

(i) for “Commission” substitute “ CMA ”, and

(ii) for the words from “in connection with” to the end substitute “ by the chair of the CMA for the purpose of carrying out the functions of the CMA with respect to the reference ”, and

(c) in sub-paragraph (4), for “Commission” substitute “ CMA ”.

(8) In paragraph 7, in sub-paragraphs (1) and (8), for “Competition Commission” (in each place where it occurs) substitute “ CMA ”.

(9) In the italic cross-heading preceding paragraph 8, for “Competition Commission's” substitute “CMA's”.

(10) In paragraph 8—

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- (a) in sub-paragraph (1), for “Competition Commission” substitute “ CMA ”, and
 - (b) in sub-paragraphs (3) to (5), (7), (8) and (10) to (12), for “Commission” (in each place where it occurs) substitute “ CMA ”.
- (11) In paragraph 9—
- (a) in sub-paragraph (1), for “Competition Commission” substitute “ CMA ”, and
 - (b) in sub-paragraphs (2) and (3), for “Commission” (in each place where it occurs) substitute “ CMA ”.
- (12) In paragraph 10, in sub-paragraph (2), for “Competition Commission” substitute “ CMA ”.

Commencement Information

112 Sch. 6 para. 138 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 139 (1) Schedule 12 (procedure on references under section 120) is amended as follows.
- (2) In paragraph 2, in sub-paragraph (1), for “Competition Commission” substitute “ CMA ”.
 - (3) In the italic cross-heading preceding paragraph 3, for “Commission” substitute “ CMA ”.
 - (4) In paragraph 3—
 - (a) omit sub-paragraph (1),
 - (b) in sub-paragraph (2)—
 - (i) for “selected under this paragraph” substitute “ constituted by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 for the purpose of carrying out functions of the CMA with respect to a reference under section 120 ”, and
 - (ii) for “Commission” substitute “ CMA panel ”,
 - (c) omit sub-paragraphs (3) to (6), and
 - (d) in sub-paragraph (7), for “a group” substitute “ the group ”.
 - (5) In paragraph 4—
 - (a) in sub-paragraph (1), for the words from the beginning to “the determination” substitute “ The CMA must make its determination on a reference ”,
 - (b) in sub-paragraph (2), for “that group” substitute “ the CMA ”, and
 - (c) in sub-paragraph (3), for “Competition Commission” substitute “ CMA ”.
 - (6) In paragraph 5, in sub-paragraph (1)—
 - (a) for “group with the function of determining a reference” substitute “ CMA ”, and
 - (b) for “of the appeal” substitute “ on a reference ”.
 - (7) In paragraph 6, in sub-paragraphs (1) and (3), for “Competition Commission” (in each place where it occurs) substitute “ CMA ”.
 - (8) In paragraph 7—

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- (a) in sub-paragraph (1), for “a group with the function of making a determination on a reference under section 120” substitute “ the CMA ”,
 - (b) in sub-paragraph (2), for “A group with that function” substitute “ The CMA ”,
 - (c) in sub-paragraph (3), for “Competition Commission” substitute “ CMA ”,
 - (d) in sub-paragraph (4)—
 - (i) for “Competition Commission” substitute “ CMA ”, and
 - (ii) in paragraph (b), after “evidence” insert “ to it ” and omit “to a group with that function”,
 - (e) in sub-paragraph (5), for “group conducting the hearing” substitute “ CMA ”,
 - (f) in sub-paragraph (8)—
 - (i) in paragraph (a), for “Competition Commission” substitute “ CMA ”, and
 - (ii) in paragraph (b), for “group conducting the hearing” substitute “ CMA ”, and
 - (g) in sub-paragraph (9), for “Competition Commission” substitute “ CMA ”.
- (9) In paragraph 8, in sub-paragraph (1)—
- (a) for “Commission” substitute “ CMA ”, and
 - (b) for “a group with the function of making a determination on a reference under section 120” substitute “ the CMA ”.
- (10) In paragraph 9, in sub-paragraph (2), for “Commission” substitute “ group constituted for the purpose of carrying out functions of the CMA with respect to the reference to which the notice or requirement relates ”.
- (11) In paragraph 10, in sub-paragraph (2) for the words from “Competition Commission's” to the end substitute “ CMA's behalf by a member of the group constituted for the purpose of carrying out functions of the CMA with respect to the reference to which the notice relates ”.
- (12) In paragraph 11—
- (a) in sub-paragraph (1), for “Competition Commission” substitute “ CMA Board ”, and
 - (b) in sub-paragraphs (4) and (5), for “Commission” substitute “ CMA Board ”.
- (13) In paragraph 12—
- (a) for sub-paragraph (1) substitute—
 - “(1) Where the CMA makes a determination on a reference under section 120 it must make an order requiring the payment to it of the costs it incurred in connection with the reference.”, and
 - (b) in sub-paragraph (5)—
 - (i) for “The group that makes a determination on a reference under section 120” substitute “ The CMA ”, and
 - (ii) for “the determination” substitute “ a determination on a reference under section 120 ”.

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I13 Sch. 6 para. 139 in force at 1.4.2014 by S.I. 2014/416, art. 2(1)(d) (with Sch.)

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