

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Part 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 16

#### MERGERS OF ENERGY NETWORK ENTERPRISES

##### PART 3

##### CONSEQUENTIAL AMENDMENTS OF OTHER ENACTMENTS

###### *Utilities Act 2000*

- 35 In section 105(3) of the Utilities Act 2000 (general restrictions on disclosure of information), in paragraph (azb), after “under” insert “Part 3 of the Enterprise Act 2002 or under”.

###### **Commencement Information**

- II** Sch. 16 para. 35 in force at Royal Assent, see [s. 334\(2\)\(j\)](#)

###### *Enterprise and Regulatory Reform Act 2013*

- 36 (1) Schedule 4 to the Enterprise and Regulatory Reform Act 2013 is amended as follows.
- (2) In paragraph 35(3) (membership of CMA panel), in the definition of “specialist utility functions”, after paragraph (d) insert—  
“(dza) a reference under section [68B](#) or [68C](#) of the Enterprise Act 2002;”.
- (3) In paragraph 56 (CMA group decision: requirement for two thirds majority), after sub-paragraph (2) insert—  
“(2A) Sub-paragraph [\(2B\)](#) applies where a decision of a CMA group under section 35(1) or 36(1) of that Act (as applied by section [68F](#) of, and Schedule 5A to, that Act) that there is, or is likely to be, prejudice of the kind described in section [68B\(1\)\(b\)](#) or [68C\(1\)\(b\)](#) of that Act is not a qualifying majority decision.  
(2B) The decision of the CMA group is to be treated as a decision under section 35(1) or, as the case may be, section 36(1) of that Act (as applied by section [68F](#) of, and Schedule 5A to, that Act) that there is not, or is not likely to be, prejudice of that kind.”

###### **Commencement Information**

- I2** Sch. 16 para. 36 in force at Royal Assent, see [s. 334\(2\)\(j\)](#)

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